

# federal register

FRIDAY, APRIL 28, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 83

Pages 8517-8651



## HIGHLIGHTS OF THIS ISSUE

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

**DRAFT**—Selective Service System publishes classification rules and principles..... 8584

**DRUGS**—FDA notice of proposed disapproval of NADA for chloroquine hydrochloride and provision for use of an additive in food wrapping manufacture (2 documents)..... 8525, 8564

**ECONOMIC STABILIZATION**—IRS notices on Price Comm. rulings concerning systems for aggregate pricing and item pricing (3 documents)..... 8562, 8563

### ENVIRONMENT—

EPA lists new impact statements and reveals general nature of its views..... 8572

Veterans Admin. establishes impact statement program procedures..... 8591

**MIGRATORY GAME BIRDS**—Interior Dept. proposes revision of hunting regulations; comments within 30 days..... 8530

**NONDISCRIMINATION IN REAL ESTATE LOANS**—FRS revises poster for display in State member banks..... 8578

**TEST FOR EYE IRRITANTS**—FDA proposed improvements; comments in 60 days..... 8534

**WILDERNESS PROPOSALS**—Interior Dept. notice of hearings (2 documents)..... 8563

Just Released

## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 32—National Defense (Parts 1400–1599).....	\$1. 50
Title 45—Public Welfare (Parts 1–199).....	2. 00

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

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



Area Code 202

Phone 962-8626

(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents

## AGRICULTURAL MARKETING SERVICE

### Rules and Regulations

Tobacco; Type 62 shade-grown cigar-leaf, grown in Florida and Georgia; expenses and rate of assessment ..... 8523

## AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Rural Electrification Administration.

### Notices

Utah; designation of areas for emergency loans..... 8564

## ARMY DEPARTMENT

See Engineers Corps.

## ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

### Rules and Regulations

Low rent public housing; prototype cost limits for public housing ..... 8525

## ATOMIC ENERGY COMMISSION

### Notices

Philadelphia Electric Co.; issuance of provisional operating license amendment ..... 8567

## CIVIL AERONAUTICS BOARD

### Notices

Hearings, etc.:

Air Traffic Conference of America ..... 8567  
Airlift International, Inc. .... 8570  
Southern Airways, Inc. .... 8570

## COAST GUARD

### Proposed Rule Making

San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.; anchorage grounds..... 8535

### Notices

Boating safety; designation of source of information for grants ..... 8565

Equipment, construction, and materials; approval notice..... 8565

## COMMERCE DEPARTMENT

See International Commerce Bureau.

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Notices

Certain cotton textiles and products; entry or withdrawal from warehouse for consumption:  
Czechoslovak Socialist Republic ..... 8570  
Haiti ..... 8571

## COMMODITY CREDIT CORPORATION

### Proposed Rule Making

Flue-cured tobacco, Types 11-14; advance schedule and grade rates for price support on 1972 crop; correction..... 8533

## DEFENSE DEPARTMENT

See Engineers Corps.

## DELAWARE RIVER BASIN COMMISSION

### Notices

Certain water resources projects; notice of public hearing..... 8571

## EMPLOYMENT STANDARDS ADMINISTRATION

### Notices

Minimum wages for Federal and federally assisted construction; modification and/or supersedeas decisions to area wage determination decisions in specified localities ..... 8601

## ENGINEERS CORPS

### Rules and Regulations

Apra Inner Harbor, Island of Guam; navigation regulations... 8525

## ENVIRONMENTAL PROTECTION AGENCY

### Proposed Rule Making

Procurement forms; illustration of forms..... 8540

### Notices

Environmental impact statements; availability of comments ..... 8572

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Airworthiness directives; Beech airplanes ..... 8524

### Alterations:

Control zone and transition area; correction..... 8524  
Transition area; correction... 8524

### Proposed Rule Making

Control zone; establishment..... 8539

## FEDERAL COMMUNICATIONS COMMISSION

### Rules and Regulations

Participation by corporate officers and employees on behalf of corporation ..... 8527

### Table of assignments:

FM broadcast stations in certain cities in Nevada, South Carolina, Indiana, and Nebraska ..... 8527

Television broadcast stations in Fredericksburg, Va..... 8528

### Proposed Rule Making

Audio frequencies; order terminating proceeding..... 8559

Aural broadcast STL operations, intercity relay stations, and certain low power broadcast auxiliary stations..... 8555

Common carrier radio stations in multipoint distribution service; licensing and regulation..... 8550

Table of assignments; FM broadcast stations; Virginia, California, and Puerto Rico..... 8559

### Notices

Star Stations of Indiana, Inc., et al.; memorandum opinion and order enlarging issues.... 8574

## FEDERAL CONTRACT COMPLIANCE OFFICE

### Rules and Regulations

Affirmative action programs; correction ..... 8526

## FEDERAL MARITIME COMMISSION

### Notices

Certificates of financial responsibility (oil pollution) ..... 8576

## FEDERAL POWER COMMISSION

### Notices

National gas survey; order amending order..... 8578

### Hearings, etc.:

Almos Gas Gathering Co. .... 8577  
General Crude Oil Co. et al. .... 8578

## FEDERAL RESERVE SYSTEM

### Notices

Capital Management, Inc.; formation of bank holding company and proposed retention of Brady Insurance Agency..... 8579

First City Bancorporation of Texas, Inc.; order approving acquisition of bank..... 8580

(Continued on next page)

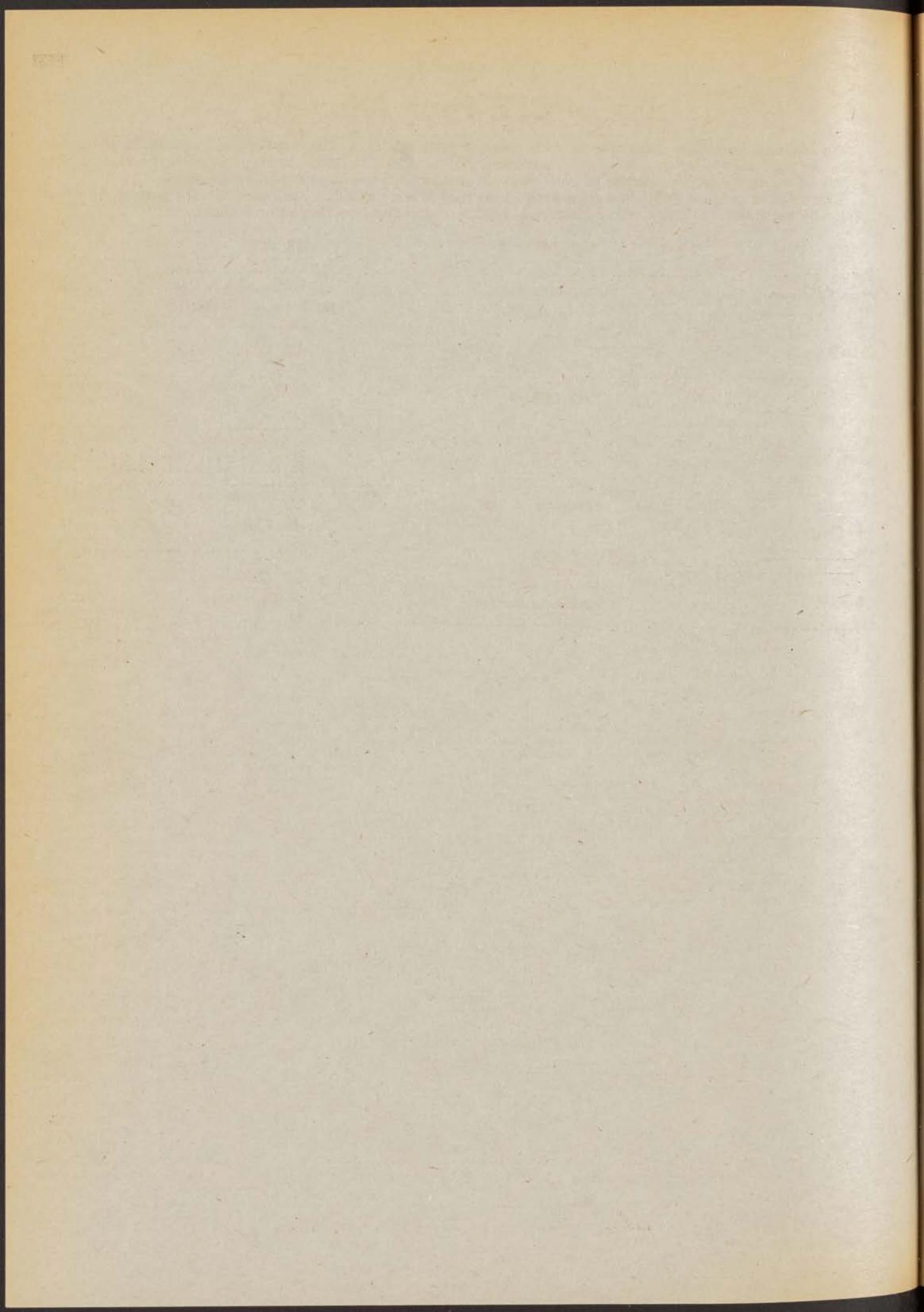
First National Holding Corp.: Order approving acquisition of Dixie Finance Co.....	8580	<b>HOUSING AND URBAN DEVELOPMENT DEPARTMENT</b>	<b>LAND MANAGEMENT BUREAU</b>
Order approving acquisition of wholly-owned consumer fi- nance subsidiaries of Gulf Financial Corp.....	8580	<i>See</i> Assistant Secretary for Hous- ing Production and Mortgage Credit Office.	<b>Rules and Regulations</b>
First State Banking Corp.; order approving formation of bank holding company.....	8581	<b>IMMIGRATION AND NATURALIZATION SERVICE</b>	Alaska; public land order; cor- rection.....
Imperial Bancorp; order ap- proving acquisition of Rayor Realty Co.....	8581	<b>Rules and Regulations</b>	<b>Proposed Rule Making</b>
Nondiscrimination requirements in real estate loan activities; poster requirement.....	8578	Availability of Service records and proceedings to determine de- portability of aliens; miscella- neous amendments.....	Lands and minerals applications in Calif.; places for execution and filing of forms; correction... 8530
Old Kent Corp.; formation of one- bank holding company.....	8582	<b>INTERIOR DEPARTMENT</b>	<b>MINES BUREAU</b>
<b>FEDERAL TRADE COMMISSION</b>		<i>See</i> Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; Mines Bureau.	<b>Rules and Regulations</b>
<b>Rules and Regulations</b>		<b>INTERNAL REVENUE SERVICE</b>	Underground coal mines; fire sup- pression devices and fire-resist- ant hydraulic fluids on under- ground equipment; effective date.....
Quantity limit rules; revocation..	8525	<b>Notices</b>	8529
<b>FISH AND WILDLIFE SERVICE</b>		Price Commission rulings:	<b>NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION</b>
<b>Proposed Rule Making</b>		Aggregate pricing system.....	<b>Rules and Regulations</b>
Migratory game birds.....	8530	Item pricing system; depart- ment store.....	Organization and delegation of powers and duties; delegation of authority to Associate Adminis- trator for Traffic Safety Pro- grams.....
<b>Notices</b>		Item pricing system; grocery store.....	8526
Public hearings regarding wilder- ness proposals;		<b>INTERNATIONAL COMMERCE BUREAU</b>	<b>Rules and Regulations</b>
Imperial National Wildlife Ref- uge.....	8563	<b>Rules and Regulations</b>	Construction of REA-financed transmission lines; transmission line manual.....
Mingo National Wildlife Ref- uge.....	8563	Technical data and general or- ders; miscellaneous amend- ments.....	8533
<b>FOOD AND DRUG ADMINISTRATION</b>		<b>INTERSTATE COMMERCE COMMISSION</b>	<b>SECURITIES AND EXCHANGE COMMISSION</b>
<b>Rules and Regulations</b>		<b>Notices</b>	<b>Notices</b>
Food additives; components of paper and paperboard in contact with aqueous and fatty foods..	8525	Assignment of hearings.....	<i>Hearings, etc.:</i>
<b>Proposed Rule Making</b>		Fourth section application for re- lief.....	Block Engineering Inc.....
Hazardous substances; test for eye irritants.....	8534	Increased rates and charges.....	Universal Airlines Co.....
<b>Notices</b>		Motor carriers:	Vermont Yankee Nuclear Power Corp. et al.....
Winthrop Laboratories; chloro- quine hydrochloride; opportu- nity for hearing.....	8564	Board transfer proceedings.....	8583
<b>GENERAL SERVICES ADMINISTRATION</b>		Temporary authority applica- tions.....	8583
<b>Notices</b>		Waiver of tariff publishing rules..	
Paint, latex-base, interior, flat; industry specification develop- ment conference.....	8582	<b>JUSTICE DEPARTMENT</b>	<b>SELECTIVE SERVICE SYSTEM</b>
<b>HEALTH, EDUCATION, AND WELFARE DEPARTMENT</b>		<i>See</i> Immigration and Naturaliza- tion Service.	<b>Notices</b>
<i>See</i> Food and Drug Administra- tion.		<b>LABOR DEPARTMENT</b>	Registrants Processing Manual..
<b>HEARINGS AND APPEALS OFFICE</b>		<i>See</i> Employment Standards Ad- ministration; Federal Contracts Compliance Office.	8584
<b>Notices</b>			<b>TRANSPORTATION DEPARTMENT</b>
Petitions for modification of man- datory safety standards:			<i>See</i> Coast Guard; Federal Avia- tion Administration; National Highway Traffic Safety Admin- istration.
Gateway Coal Co.....	8564		<b>TREASURY DEPARTMENT</b>
Pocahontas Fuel Co.....	8564		<i>See also</i> Internal Revenue Serv- ice.
			<b>Notices</b>
			Commissioner of Internal Rev- enue; delegation of authority re- garding requests for exemp- tions.....
			8563
			<b>VETERANS ADMINISTRATION</b>
			<b>Notices</b>
			Environmental impact program..
			8591

## List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

<b>7 CFR</b>		<b>21 CFR</b>		<b>43 CFR</b>	
1201.....	8523	121.....	8525	PUBLIC LAND ORDER:	
PROPOSED RULES:		PROPOSED RULES:		5181.....	8526
1464.....	8533	191.....	8534	PROPOSED RULES:	
1701.....	8533			1820.....	8530
<b>8 CFR</b>		<b>24 CFR</b>		<b>47 CFR</b>	
103.....	8523	275.....	8525	1.....	8527
242.....	8523			73 (2 documents).....	8527, 8528
<b>14 CFR</b>		<b>30 CFR</b>		PROPOSED RULES:	
39.....	8524	75.....	8529	1.....	8550
71 (2 documents).....	8524	<b>33 CFR</b>		2 (3 documents).....	8550, 8555, 8559
PROPOSED RULES:		207.....	8525	21.....	8550
71.....	8539	PROPOSED RULES:		43.....	8550
<b>15 CFR</b>		110.....	8535	73.....	8559
379.....	8524	<b>41 CFR</b>		74 (2 documents).....	8555, 8559
390.....	8524	60-2.....	8526	<b>49 CFR</b>	
<b>16 CFR</b>		PROPOSED RULES:		501.....	8526
310.....	8525	15-16.....	8540	<b>50 CFR</b>	
				PROPOSED RULES:	
				10.....	8530



# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

#### PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

##### Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 4, 1972 (37 F.R. 6745), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1973. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1973, and the related assessment rate:

##### § 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1973.

(a) Expenses: Expenses in the amount of \$7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1973.

(b) Rate of assessment: The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at \$1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1973.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby 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 (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all

assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1972, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

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

Dated: April 25, 1972.

ALBERT DOUB, Jr.,  
Acting Director, Tobacco Division,  
Agricultural Marketing Service.

[FR Doc.72-6535 Filed 4-27-72; 8:51 am]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

#### PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

##### Miscellaneous Amendments

Executive Order 11652, pertaining to classification and declassification of national security information and material, published in the FEDERAL REGISTER on March 10, 1972 (37 F.R. 5209), effective June 1, 1972, supersedes Executive Order No. 10501 of November 5, 1953, as amended. Accordingly, to conform thereto the references to Executive Order No. 10501 contained in Chapter I of Title 8 of the Code of Federal Regulations, the following amendments are hereby prescribed:

In § 103.2, the fifth sentence of paragraph (b) (2) is revised. As amended, § 103.2(b) (2) reads as follows:

##### § 103.2 Applications, petitions, and other documents.

\* \* \* \* \*

(b) Evidence. \* \* \*  
(2) *Inspection of evidence.* An applicant or petitioner shall be permitted to inspect the record of proceeding which constitutes the basis for the decision, except as hereinafter provided. If the decision will be adverse to the applicant or petitioner on the basis of derogatory evidence considered by the Service and of which the applicant or petitioner is unaware, he shall be advised thereof and offered an opportunity to rebut it and present evidence in his behalf before the decision is rendered, except that classified evidence shall not be made available

to him. Any explanation, rebuttal, or evidence presented by or in behalf of the applicant or petitioner shall be included in the record of proceeding. A determination of statutory ineligibility shall not be valid unless based on evidence contained in the record of proceeding. In exercising discretionary power when considering an application or petition, the district director or the officer in charge, in any case in which he is authorized to make the decision, may consider and base his decision upon information not contained in the record and not made available for inspection by the applicant or petitioner, provided the regional commissioner has determined that such information is classified under Executive Order No. 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972; effective June 1, 1972), that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the district director or officer in charge is based in whole or in part upon information not contained in the record, the decision shall so state and cite the authority therefor.

In § 242.17, the third sentence of paragraph (a) is revised. As amended, § 242.17(a) reads as follows:

##### § 242.17 Ancillary matters, applications.

(a) *Creation of the status of an alien lawfully admitted for permanent residence.* The respondent may apply to the special inquiry officer for suspension of deportation under section 244(a) of the Act, for adjustment of status under section 245 of the Act, or under section 1 of the Act of November 2, 1966, or for creation of a record of lawful admission for permanent residence under section 214 (d) or 249 of the Act; such applications shall be subject to the requirements contained in Parts 244, 245, and 249 of this chapter. The special inquiry officer shall inform the respondent of his apparent eligibility to apply for any of the benefits enumerated in this paragraph and shall afford him an opportunity to make application therefor during the hearing. In exercising discretionary power when considering an application under this paragraph, the special inquiry officer may consider and base his decision upon information not contained in the record and not made available for inspection by the respondent, provided the Commissioner has determined that such information is classified under Executive Order No. 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972; effective June 1, 1972), that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the special inquiry officer is based in whole or in part

upon information not contained in the record, the decision shall so state and cite the authority therefor.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.2 (b) (2) and 242.17(a) are technical in nature.

**Effective date.** This order shall become effective on June 1, 1972.

Dated: April 25, 1972.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[FR Doc.72-6516 Filed 4-27-72;8:48 am]

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 72-CE-12-AD, Amdt. 39-1440]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Beech Model 99 Series (Serial Numbers U-1 and Up) Airplanes

There have been reports of cracked or broken Beech P/N 50-524590-3 cast aluminum control wheel adapters installed on Beech Model 99 airplanes which can result in sudden and unexpected loss of aileron and elevator control. To correct this condition the manufacturer has issued Beechcraft Service Instruction 0380-155, Rev. 1, which recommends inspection of the adapters for cracks and provides a new improved replacement. Since the condition described herein may exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring repetitive dye penetrant inspection of all control wheel adapters presently in service on Beech Model 99 Series airplanes per FAA Advisory Circular 43.13-1 until replaced by the new Beech P/N 99-524036-33 control wheel adapters.

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 the Federal Aviation Regulations is amended by adding the following new AD.

**BEECH.** Applies to Model 99 Series (Serial Nos. U-1 and up) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure security of control wheel adapters, accomplish the following:

(A) Within 25 hours' time in service after the effective date of this AD, remove all paint

from Beech P/N 52-524590-3 control wheel adapters and dye penetrant inspect said adapters in accordance with FAA Advisory Circular 43.13-1. Repeat the inspection at 100 hour intervals thereafter. If a crack is found during any of the inspections required by this AD, prior to further flight, replace with Beech P/N 99-524036-33 control wheel adapters, except that the aircraft may be flown in accordance with FAR 21.197 to a location where the replacement may be performed.

(B) When the old Beech P/N 50-524590-3 control wheel adapters are replaced by the new Beech P/N 99-524036-33 control wheel adapters the inspections called for herein are no longer required.

(C) Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0380-155, Rev. 1, pertains to this subject.

This amendment becomes effective May 2, 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 April 21, 1972.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc.72-6486 Filed 4-27-72;8:46 am]

[Airspace Docket No. 72-WE-8]

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

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

On April 6, 1972 F.R. Doc. 72-5277 was published in the FEDERAL REGISTER (37 F.R. 6924). This document altered the descriptions of the Prescott, Ariz., control zone and transition area. A review of the document revealed that the longitude in the geographical coordinates of Prescott Municipal Airport was incorrect. Action is taken herein to affect this change.

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

In view of the foregoing, F.R. Doc. 72-5277 (37 F.R. 6924) is amended by deleting " \* \* \* Longitude 122°25'15" W.); \* \* \* " in the descriptions of the Prescott, Ariz., control zone and transition area and substituting " \* \* \* Longitude 112°25'15" W.); \* \* \* " therefor.

**Effective date.** The effective date of the original document (0901 G.m.t., May 25, 1972), may be retained.

(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 April 18, 1972.

ROBERT O. BLANCHARD,  
Acting Director, Western Region.

[FR Doc.72-6490 Filed 4-27-72;8:46 am]

[Airspace Docket No. 72-WE-5]

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

##### Alteration of Transition Area; Correction

On March 31, 1972, F.R. Doc. 72-4920 was published in the FEDERAL REGISTER (37 F.R. 6573). This document altered the description of the Ely, Nev., transition area. A review of the description of the transition area revealed that a cardinal point had been omitted from the text.

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

In view of the foregoing F.R. Doc. 72-4920 (37 F.R. 6573) is amended by inserting the word "south" after the word "miles" in the last line of the text.

**Effective date.** The effective date of the original document (0901 G.m.t., May 25, 1972) may be retained.

(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 April 18, 1972.

ROBERT O. BLANCHARD,  
Acting Director, Western Region.

[FR Doc.72-6491 Filed 4-27-72;8:46 am]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs., Amdt. 37]

#### PART 379—TECHNICAL DATA

#### PART 390—GENERAL ORDERS

##### Miscellaneous Amendments

Parts 379 and 390 are amended to read as set forth below.

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

Effective date: April 24, 1972.

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

#### § 379.4 [Amended]

In § 379.4(e) (1), subdivision (iii) (p), (q), (r), (s), (t), are redesignated subdivision (iii) (o), (p), (q), (r), (s) respectively; subdivision (iii) (v) is redesignated subdivision (iii) (t); and subdivision (iii) (w), (x), (y), (z), (aa), (aa-1), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii) are redesignated subdivi-

ston (iii) (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), and (hh) respectively.

§§ 390.5, 390.6 [Deleted]

Sections 309.5 and 390.6 are deleted.  
[FR Doc.72-6521 Filed 4-27-72;8:51 am]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

#### PART 310—QUANTITY LIMIT RULES UNDER SECTION 2(a) OF THE CLAYTON ACT AS AMENDED BY THE ROBINSON-PATMAN ACT

Part 310 of Chapter I of Title 16 of the Code of Federal Regulations is revoked.

By direction of the Commission dated April 24, 1972.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-6485 Filed 4-27-72;8:46 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP OB2568) filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of a mixture of (2-alkenyl) succinic anhydrides, in which the alkenyl groups are derived from olefins which contain not less than 95 percent of C<sub>15</sub>-C<sub>21</sub> groups, as a sizing agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2526(a)(5) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

.....  
(a) .....  
(5) .....

List of substances Limitations

.....  
(2-Alkenyl) succinic anhydrides mixture, in which the alkenyl groups are derived from olefins which contain not less than 95 percent of C<sub>15</sub>-C<sub>21</sub> groups. For use only as a sizing agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 1 percent by weight of the finished dry paper and paperboard fibers.

.....  
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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (4-28-72).  
(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 19, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-6517 Filed 4-27-72;8:50 am]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army PART 207—NAVIGATION REGULATIONS

#### Apra Inner Harbor, Island of Guam

Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.808 is hereby prescribed establishing and

governing the use of a restricted area in Apra Inner Harbor, Island of Guam, effective 30 days after publication in the FEDERAL REGISTER, as follows:

#### § 207.808 Apra Inner Harbor, Island of Guam, restricted area.

(a) *The restricted area.* The waters within Apra Inner Harbor and adjacent waters of Apra Outer Harbor inclosed by a line beginning at the northeast corner of a pier at latitude 13°26'32.1", longitude 144°39'02.8"; thence to the northern tip of a small island at latitude 13°26'40.2", longitude 144°39'28.1", and thence to the northwest corner of the point of land at latitude 13°26'28.1", longitude 144°39'52.5".

(b) *The regulations.* (1) All swimmers and all vessels and craft except public vessels of the United States are prohibited from entering this area without prior permission of the enforcing agency.

(2) The regulations in this section shall be enforced by Commander Naval Forces Marianas and such agencies as he may designate.

(3) The water areas of the outer boundaries of the restricted area will not be marked but signs will be posted at the designated boundary coordinates to warn against trespassing in the restricted area.

[Regs. April 13, 1972, 1522-01 (Estab. of Restricted Area for Apra Inner Hbr, Island of Guam) DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,  
Special Advisor to TAG.

[FR Doc.72-6476 Filed 4-27-72;8:45 am]

## Title 24—HOUSING AND URBAN DEVELOPMENT

### Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-180]

#### PART 275—LOW RENT PUBLIC HOUSING

##### Prototype Cost Limits for Public Housing; Appendix

In the FEDERAL REGISTER issue for Saturday, May 1, 1971 (36 F.R. 8213-8232) prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Seattle, Wash. area office indicates that certain prototype per unit cost schedules should be

added for remote Alaskan villages. Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these revised limits, and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following appendix to Part 275 is amended as

PROTOTYPE PER UNIT COST SCHEDULE  
REGION X

	Number of bedrooms						
	0	1	2	3	4	5	6
<b>Dillingham, Alaska:</b>							
Detached and semidetached	13,050	15,800	19,450	23,250	27,900	31,050	32,550
Row dwellings							
Walkup							
Elevator-structure							
<b>Fort Yukon, Alaska:</b>							
Detached and semidetached	14,700	17,750	21,850	26,150	31,400	34,900	36,600
Row dwellings							
Walkup							
Elevator-structure							
<b>Galena, Alaska:</b>							
Detached and semidetached	15,750	19,050	23,450	28,050	33,050	37,450	39,250
Row dwellings							
Walkup							
Elevator-structure							
<b>Kenai, Alaska:</b>							
Detached and semidetached	12,000	14,550	17,900	21,400	25,700	28,550	29,950
Row dwellings							
Walkup							
Elevator-structure							
<b>Kotzebue, Alaska:</b>							
Detached and semidetached	14,100	17,100	21,050	25,150	30,200	33,550	35,200
Row dwellings							
Walkup							
Elevator-structure							
<b>Noorvik, Alaska:</b>							
Detached and semidetached	14,100	17,100	21,050	25,150	30,200	33,550	35,200
Row dwellings							
Walkup							
Elevator-structure							
<b>Point Barrow, Alaska:</b>							
Detached and semidetached	19,550	23,650	29,100	34,800	41,750	46,450	48,700
Row dwellings							
Walkup							
Elevator-structure							
<b>Teller, Alaska:</b>							
Detached and semidetached	13,050	15,800	19,450	23,250	27,900	31,050	32,550
Row dwellings							
Walkup							
Elevator-structure							
<b>Yakutat, Alaska:</b>							
Detached and semidetached	10,400	12,550	15,450	18,500	22,200	24,700	25,900
Row dwellings							
Walkup							
Elevator-structure							
<b>Coastal area north of Aleutians, Alaska:</b>							
Detached and semidetached	19,200	23,250	28,000	34,200	41,050	45,950	47,900
Row dwellings							
Walkup							
Elevator-structure							

[FR Doc. 72-6424 Filed 4-27-72; 8:45 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

### PART 60-2—AFFIRMATIVE ACTION PROGRAMS

#### Correction

In F.R. Doc. 71-17789 appearing at page 23152 in the issue of Saturday, December 4, 1971, in the fourth line of § 60-2.2(c) delete the word "to".

follows with respect to the locations named:

Delete the Kenai, Alaska schedule under Region X and substitute in lieu thereof the revised prototype per unit cost schedule shown on the attached appendix entitled Prototype Per Unit Cost Schedule revised April 17, 1972.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

*Effective date.* This rule is effective upon publication in the FEDERAL REGISTER (4-28-72).

EUGENE A. GULLEDGE,  
Assistant Secretary-Commissioner.

1972, the date "March 29, 1972" following the signature should read "March 9, 1972."

## Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

### PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority to Associate Administrator for Traffic Safety Programs

The purpose of this notice is to amend the reservation of the delegation by the National Highway Traffic Safety Administrator to the Associate Administrator for Traffic Safety Programs, with respect to NHTSA duties under the Clean Air Amendments of 1970.

Part 501 of Title 49 was amended by notice in the FEDERAL REGISTER on July 29, 1971 (36 F.R. 13994) to add a new subparagraph (3) to § 501.8(d). Under subparagraph (3) the Associate Administrator for Traffic Safety Programs must notify the Deputy NHTSA Administrator 10 days in advance of informing the Environmental Protection Administrator, pursuant to the Clean Air Amendments of 1970, if a determination has been made by NHTSA "that State agency grants (for a State vehicle emission system inspection and emission testing and control programs) are not consistent with any highway safety program developed pursuant to 23 U.S.C. 402."

The NHTSA is amending § 501.8(d) to substitute "State agency programs" for "State agency grants." This amendment will make the text conform more closely to the terms of the Clean Air Amendments, under which grants for vehicle emission programs cannot be made by EPA unless "such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code" (42 U.S.C. 1857f-6b(2)).

In consideration of the foregoing, § 501.8(d) of Title 49, Code of Federal Regulations, is revised to read:

§ 501.8 Delegations.

(d) \* \* \*

(3) Notify the Environmental Protection Administrator, pursuant to 42 U.S.C. 1857f-6b(2), that a State agency program is not consistent with the State highway safety program developed pursuant to 23 U.S.C. 402.

Effective date: April 28, 1972. Since this amendment relates only to the internal management of the Administration, notice and public procedure therein are not required and the amendment may be made effective in less than 30 days.

This notice is issued under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966

## Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5181]

### ALASKA

Withdrawal of Lands for Classification and Study as Possible Additions to National Wildlife Refuge System

#### Correction

In F.R. Doc. 72-3947, appearing at page 5584 in the issue of Thursday, March 16,

(15 U.S.C. 1407) and the delegation of authority at 49 CFR 1.51.

Issued on April 24, 1972.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc.72-6531 Filed 4-27-72;8:49 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 72-342]

#### PART 1—PRACTICE AND PROCEDURE

##### Participation by Corporate Officers and Employees on Behalf of Corporation

*Order.* In the matter of amendment of § 1.21 participation by corporate officers and employees on behalf of the corporation, RM-1537.

1. The Commission has before it a petition for rule making (RM-1537) filed by The Telephone Co., Inc., asking that the Commission's rules be amended so as to clearly provide that a corporate officer who is not an attorney may represent the corporation in all matters before the Commission. An officer of the company had previously been authorized by the Review Board to represent the company in a Commission hearing proceeding. "Advanced Electronics, et al.," 21 FCC 2d 239 (1970). No statements supporting or opposing the petition were filed.

2. It is clear, we believe, that a duly authorized corporate officer or employee who is not an attorney should be permitted to represent the corporation in all matters which do not involve an evidentiary hearing. To make it clear that this is the case, we are amending § 1.21 of the rules and regulations by adding a statement to that effect. We draw no distinction between officers and employees.

3. The judgment as to whether a non-attorney corporate officer or employee should be permitted to represent the corporation in a hearing proceeding, on the other hand, turns on a number of factors (which vary appreciably from case to case) and is best left to the discretion of the presiding officer. Such factors include the complexity of the hearing, the qualifications of the corporate officer, the financial resources of the corporation, and the likelihood of delay or of burden on other parties if the request is granted. The presiding officer is in the best position to weigh these and other pertinent factors and, considering the interests of all parties, to make a decision which is just. Accordingly, we are amending § 1.21 to provide that the appearance of a corporate officer or employee in an evidentiary hearing on behalf of the corporation lies within the discretion of the presiding officer. The presiding officer's ruling will apply to the hearing and to all subsequent stages of the proceeding.

4. The amendment is set forth in the attached below. Authority for the amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303 (r). Because the amendment concerns a matter of agency practice, the notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

5. Accordingly, it is ordered, That the petition for rule making filed by The Telephone Co., Inc. is granted to the extent reflected in this order and denied in all other respects; And it is further ordered, effective May 2, 1972, that § 1.21 of the rules and regulations is amended as set forth below.

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

Adopted: April 19, 1972.

Released: April 25, 1972.

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

[SEAL] BEN F. WAPLE,  
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.21(d) is added to read as follows:

#### § 1.21 Parties.

(d) Except as otherwise expressly provided in this chapter, a duly authorized corporate officer or employee may act for the corporation in any matter which has not been designated for an evidentiary hearing and, in the discretion of the presiding officer, may appear and be heard on behalf of the corporation in an evidentiary hearing proceeding.

[FR Doc.72-6510 Filed 4-27-72;8:48 am]

[Docket No. 19264; FCC 72-354]

#### PART 73—RADIO BROADCAST SERVICES

##### FM Broadcast Stations in Certain Cities in Nevada, South Carolina, Indiana, and Nebraska

*Report and order.* In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Carson City, Nev.; Charleston, S.C.; Ft. Wayne and Auburn, Ind.; and Seward, Nebr.), Docket No. 19264, RM-1594, RM-1605, RM-1595, RM-1607.

1. The Commission here considers the notice of proposed rule making in this proceeding, adopted June 16, 1971 (36 F.R. 12041).

2. Family Stations, Inc., licensee of FM Station KEAR, San Francisco, Calif., by letter from its counsel, dated July 30, 1971, withdrew its proposal to change a channel assignment at Carson City, Nev. The other proposals in order of the rule making petitions are as follows:

<sup>1</sup> Commissioners Johnson and H. Rex Lee absent.

City	Channel No.	
	Present	Proposed
Fort Wayne, Ind.....	236, 247, 269A, 288A	236, 247, 269A, 280A, 288A
Seward, Nebr.....		245
Charleston, S.C.....	236, 245, 278	236, 245, 278, 300

Our notice noted the 1970 populations of the cities, their respective counties, and other data and information as concerns populations; these are repeated:

City	Population	County	Population
Fort Wayne, Ind.	177,671	Allen.....	280,455
Seward, Nebr.	5,294	Seward.....	14,460
Charleston, S.C.	66,945	Charleston..	247,650

Note was made that Ft. Wayne and Charleston are Standard Metropolitan Statistical Areas (SMSA); the Ft. Wayne SMSA consists only of Allen County; and the Charleston SMSA consists of Charleston and Berkeley Counties, with a total population of 303,849. Only Ray G. Smith, the petitioner in RM-1607, and Shepard Broadcasting Corp. (Shepard Broadcasting), licensee of AM Station WLYV, Fort Wayne, Ind., supporting the petition in RM-1605, filed comments. Shepard Broadcasting's comments were late filed, but it requested and is granted leave for late filing.

3. Charleston, S.C. (RM-1595): As pointed out in the notice, John H. Pembroke petitioned for the assignment of a fourth FM channel to Charleston so that he might apply for it in order to program exclusively for Black interests at night. The only other aural facility providing such service is a daytime-only AM station (there are four other full-time AM stations). Our notice stated that substantiation was lacking as to the population and the number of blacks that would be served within the 1 mv/m contour.<sup>1</sup> A preclusion study indicated that the assignment of Channel 300 to Charleston would affect the use of Channels 297, 298, and 299 in limited areas all with relatively small populations and having FM channel(s) allocated to them.

4. No one filed supporting comments. In this respect, paragraph 16 of the notice (showings required.) stated that the Commission at least expects petitioner to resubmit the petition and express an intention to apply for the channel, if assigned, and, if authorized, to promptly build the station. We also said that:

Failure to make these showings may result in denial of the proposal.

5. While our notice stated that the public interest, convenience, and necessity would be served by putting out the proposal for rule making, in the absence of comments from the petitioner or someone else, there is no presumption that anyone is interested in going forward to implement the allocation, if

<sup>1</sup> Petitioner's estimates were 168,000 and 61,500 respectively.

made to Charleston at this time. In short, failure of anyone to support the proposal following the notice leaves us little alternative but to deny the proposal at this time.

6. Fort Wayne, Ind. (RM-1605): Our notice indicated that an adequate showing had been made that the public interest might be served by adding a fourth channel—280A—to Fort Wayne, on the basis of population, its being an SMSA, the number of broadcast services, and certain other economic data filed by the petitioner, Burnup & Sims, Inc. Petitioner filed no comments; however, as noted above, Shepard Broadcasting Corp., licensee of AM Station WLYV did so on March 16, 1972, with a petition for leave to file late comments.

7. Shepard Broadcasting filed data and information underscoring Fort Wayne's importance as a cultural, educational, and commercial center. For example, the existence of the Fort Wayne Fine Arts Foundation (with member groups) is a center of activities for northeastern Indiana and bordering Ohio counties; a downtown Fine Arts Foundation is being constructed. Shepard Broadcasting points out that three local corporations—Magnavox Corp., Central Soya Co., and Essex International—are included in the upper portion of the 1969 "Fortune" magazine list of 500 largest industrial companies in the United States and 16 other firms in the same ratings have local operations. This party also notes that Fort Wayne is the seat of eight institutions of higher learning including Indiana-Purdue Regional Campus (with a 1968-69 student body of 11,000); Saint Francis College (2,345); and Indiana Institute of Technology (960). Finally, Shepard Broadcasting expresses its intention to apply for the channel, if allocated to Fort Wayne.

8. On the basis of the showing made, and that Channel 288A, although allocated to Fort Wayne, actually is utilized as Station WIFF-AM at Auburn, Indiana,<sup>2</sup> about 20 miles north of Fort Wayne, it is felt that the public interest, convenience, and necessity would be served by the assignment of Channel 280A to Fort Wayne, Ind., and Channel 288A to Auburn (see paragraph 12 of the notice).

9. Seward, Nebr. (RM-1607): Our notice pointed out that petitioner Ray G. Smith, doing business as Central Communications sought allocation of Channel 245 as the first FM assignment to Seward, Nebr., population 5,294. We also noted that Seward is the seat of Seward County, population 14,460, and that the assignment would be made without affecting present assignments in other communities.

10. Our notice indicated that we had some doubts as to the propriety of allocating a Class C channel to a community of this size where normally a Class A is assigned. Petitioner, in this respect, had urged that a Class C assignment is needed to provide service to small towns

and rural areas not adequately served by other aural stations; with "reasonable facilities", i.e., 100 kw. E.R.P. at 640 feet antenna height a.a.t., there would be service to an unserved area of 190 square miles with 6,878 persons and an underserved area of 1,070 square miles with a population of 23,506 persons. We also noted the minimal short-spacing on a reference point basis to Channel 245 at Grand Island, Nebr.; in other words, a satisfactory transmitter site at Grand Island would depend on the location at Seward.

11. Petitioner's comments affirmed its interest and that Smith intends to apply for a construction permit with 100 kw. E.R.P. and a 640 foot a.a.t. antenna which our notice indicated was the minimum facility we would allow for this assignment.

12. We find that the public interest, convenience, and necessity would be met by assigning 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.

13. In accordance with the foregoing: *It is ordered*, That effective June 2, 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.
Auburn, Ind...	288A
Fort Wayne, Ind .....	236, 247, 269A, 280A
Seward, Nebr...	245

<sup>1</sup> Any application for this channel must specify an effective radiated power of 100 kw and antenna height of 650 feet above average terrain or equivalent.

14. *It is further ordered*, That the petition of John H. Pembroke to assign Channel 300 to Charleston, S.C. (RM-1595), is denied.

15. *It is further ordered*, That the petition of Family Stations, Inc., in view of that party's request to withdraw, is dismissed.

16. *It is further ordered*, That Shepard Broadcasting Corp. is granted leave to file its comments late.

17. *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: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-6514 Filed 4-27-72; 8:48 am]

<sup>2</sup> Auburn has a population of 7,337; it is the seat of DeKalb County, population 30,837.

<sup>3</sup> Commissioners Johnson and H. Rex Lee absent; Commissioner Wiley concurring in the result.

[Docket No. 19404; FCC 72-356]

## PART 73—RADIO BROADCAST SERVICES

### Television Broadcast Stations in Fredericksburg, Va.

*Report and order.* In the matter of amendment of § 73.606, *Table of Assignments, Television Broadcast Stations* (Fredericksburg, Va.), Docket No. 19404, RM-1798.

1. This proceeding, begun by notice of proposed rule making issued January 21, 1972 (FCC 72-63), involves the assignment of a UHF television channel to Fredericksburg, Va. The original petition requested the assignment of Channel 66, but as discussed and proposed in the notice, comments were requested on the assignment of Channel 69 to Fredericksburg. The petitioners (Charles McDaniel and Jerry Leonard) filed comments in support of the assignment of Channel 69 as proposed and stated that they would promptly apply for a construction permit if Channel 69 is assigned to Fredericksburg, Va. No other comments, pro or con, were filed in the proceeding.

2. The assignment of Channel 69 to Fredericksburg will be its first commercial assignment and will involve no short spacings and it will conform to all the technical rules of the Commission. As set forth in the petition, which data is incorporated by reference, the city of Fredericksburg shows a population of 14,450 according to the Advance Reports of the U.S. Census for 1970. It is situated astride Stafford and Spotsylvania Counties and is not located in an urbanized area or a Standard Metropolitan Statistical Area (SMSA). Fredericksburg is located between Richmond, Va., and Washington, D.C. about 50 miles from each. It is claimed that the city together with the four surrounding counties has an area of 1,500 square miles and a population of about 100,000. The Advance Census indicates a population for those four counties of Stafford (24,587), Spotsylvania (16,424), Caroline (13,925), and King George (8,039) that total 62,975. The economic base of the area is mixed in that there is industry, agriculture, and tourism throughout the area. American Viscose has a plant in Fredericksburg that employs 1,600 persons and it is the largest plant in the world making cellophane. Other industries include clothing, electrical products, and various building materials.

3. Certain updated economic data has been submitted concerning the area. As of 1970 (as opposed to 1963), there are 966 retail firms (up from about 500) in the area that have gross sales of \$98,627,605 (up from \$51,489,000). In Fredericksburg, retail establishments have increased from 286 to 300 and wholesale outfits from 36 to 46. Selective service receipts have increased from \$5.2 million to \$6.1 million and the Fredericksburg banks and savings and loan associations now have total assets of \$102 million. Three new shopping centers are projected and in 1971, Moore Business

Forms and Westinghouse Electric opened new plants employing in excess of 1,000 persons. Virginia Electric and Power Co. (Veeco) is building a new nuclear generating facility in the county and adjacent counties at a cost of \$1 billion with a \$75 million annual operating cost. There is a recreational park in the Veeco facility, which will further increase the current annual tourism receipts of \$24.5 million (up from \$17.5 million in 1963). Also located within 25 miles of Fredericksburg are three military installations: Camp A. P. Hill, Dahlgren Naval Weapons Laboratory, and the Quantico Marine Corps complex.

4. As set forth in the petition and/or notice, there is a daily (except Sunday) newspaper (The Free Lance-Star) with a circulation of 16,490. Radio Stations WFLS(AM) (1350 kHz, 1 kw., Day, Class III); WFLS-FM (Class B); WFVA(AM) (1230 kHz, 250 w., 1 kw.-LS-U, Class IV) and WFVA-FM (Class B) are operating stations assigned to Fredericksburg. The city does not receive a Grade A commercial television signal, but is on the outer edges of the Grade B signals from Richmond and Harrisonburg, Va., and Washington, D.C. It does receive a Grade A educational signal from Channel \*53 that is operating from Goldvein, Va., which is located approximately 14 miles northwest of Fredericksburg.

5. We have considered the notice proposal and find it to be in the public interest and it is hereby adopted. It will bring a first local service to Fredericksburg, Va., which is consistent with the priorities and policies of the Commission.

6. In view of the foregoing: *It is ordered*, That, effective June 2, 1972, pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, § 73.606(b) of the Commission's rules, the *Table of Television Assignments*, is amended to read as follows:

City	Channel No.
Fredericksburg, Va.-----	*53, 69

7. *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)

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.  
[FR Doc.72-6515 Filed 4-27-72;8:48 am]

## Title 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

#### PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

##### Fire Suppression Devices and Fire- Resistant Hydraulic Fluids on Underground Equipment; Extension of Effective Date

In accordance with the provisions of section 311(e) of the Federal Coal Mine Health and Safety Act of 1969 and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, there was promulgated in the FEDERAL REGISTER on October 8, 1971 (36 F.R. 19583), §§ 75.1107-1 through 75.1107-15 of Part 75, Subchapter O, of Chapter I, Title 30, Code of Federal Regulations, which set forth specifications for fire suppression devices required to be installed on underground equipment and for fire-resistant hydraulic fluids to be used in the hydraulic systems of such equipment. The effective date of these standards was ex-

<sup>1</sup>Commissioners Johnson and H. Rex Lee absent.

tended, due to a work stoppage which was in effect in numerous mines, from November 22, 1971 to December 31, 1971, by a notice published in the FEDERAL REGISTER December 9, 1971 (36 F.R. 23370). The effective date of the proposed standards was further extended to April 29, 1972, by a notice published in the FEDERAL REGISTER of January 4, 1972 (37 F.R. 17), to allow further and full investigation of fire protection devices, systems and methods and to develop improved standards to permit use of devices, systems, and methods of equivalent or superior protection which would have been precluded under those which had been promulgated.

On Thursday, March 21, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5756), a notice of proposed rule making, setting forth proposed new improved mandatory standards. Pursuant to section 101 of the Act it was proposed to revoke §§ 75.1107-1 through 75.1107-15 as promulgated on October 8, 1971 and substitute in lieu thereof new §§ 75.1107-1 through 75.1107-16.

A period of 30 days following publication was fixed for interested persons to submit written data, comments, suggestions, and objections to the proposed new standards. The period of time expired on April 20, 1972.

In order to allow sufficient time to review and consider the written data, comments, suggestions, and objections received and to publish and promulgate the new mandatory standards, notice is hereby given that the effective date of April 29, 1972, of the standards promulgated on October 8, 1971, is suspended until July 28, 1972.

JOHN B. RIGG,  
Assistant Secretary of the Interior.

APRIL 27, 1972.

[FR Doc.72-6258 Filed 4-27-72;10:20 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Part 1820 ]

### LANDS AND MINERALS APPLICATIONS IN CALIFORNIA

#### Places for Execution and Filing of Forms; Correction

On page 7004 of the FEDERAL REGISTER of April 7, 1972, there was published a notice and text of a proposed amendment to Part 1820 of Title 43, Code of Federal Regulations. The purpose of the amendment is to improve the efficiency of administering the public land laws and improving service to the public in regard to filing and processing public lands and minerals applications and cases in California. The proposed amendment would also correct the address and titles of certain other offices.

A 30-day period was given for receiving public comments. The expiration date for receiving comments, however, was not clearly stated. The purpose of this notice is to clearly establish the expiration date for receiving public comments as May 8, 1972.

Written comments, suggestions, or objections with respect to the proposed rules should be submitted to the Director (210), Bureau of Land Management, Washington, D.C. 20240.

HARRISON LOESCH,

Assistant Secretary of the Interior.

APRIL 21, 1972.

[FR Doc. 72-6484 Filed 4-27-72; 8:46 am]

### Fish and Wildlife Service

[ 50 CFR Part 10 ]

### MIGRATORY GAME BIRDS

#### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711) it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

*Proposed amendments to the basics.* The basic migratory game bird hunting regulations have been organized into subparts which present the regulations in a more logical arrangement and a more orderly sequence. Each State game department was provided a draft proposal and suggestions received from those responding to that initial draft have been taken into consideration in the preparation of the amendments now being proposed for adoption.

*Proposed amendments to the schedule of hunting seasons, limits, and shooting*

*hours.* Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1972-73 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 20, 1972, to become effective on or before September 1, 1972. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 20, 1972, to become effective on or before October 1, 1972.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than June 20, 1972, to become effective on or after July 1, 1972.

As amended and redesignated, the basic migratory game bird hunting regulations will read as follows:

## PART 10—MIGRATORY BIRDS

### Subpart A—Introduction

- Sec.  
10.1 Scope of regulations.  
10.2 Relation to other provisions.

### Subpart B—Definitions

- 10.11 Meaning of terms.

### Subpart C—Taking

- 10.21 Hunting methods.  
10.22 Closed seasons.  
10.23 Shooting hours.  
10.24 Daily limit.  
10.25 Wanton waste of migratory game birds.

### Subpart D—Possession

- 10.31 Prohibited if taken in violation of Subpart C.  
10.32 During closed season.  
10.33 Possession limit.  
10.34 Opening day of a season.  
10.35 Field possession limit.  
10.36 Tagging requirement.  
10.37 Custody of birds of another.  
10.38 Possession of live birds.  
10.39 Termination of possession.

### Subpart E—Transportation and Shipment Within the United States

- 10.41 Prohibited if taken in violation of Subpart C.  
10.42 Transportation of birds of another.  
10.43 Species identification requirement.  
10.44 Marking package or container.

### Subpart F—Exportation

- Sec.  
10.51 Prohibited if taken in violation of Subpart C of this part.  
10.52 Species identification requirement.  
10.53 Marking package or container.

### Subpart G—Importation

- 10.61 Importation limits.  
10.62 Species identification requirement.  
10.63 Foreign export permits.  
10.64 Processing requirement.  
10.65 Marking package or container.

### Subpart H—Federal, State, and Foreign Law

- 10.71 Violation of Federal law.  
10.72 Violation of State law.  
10.73 Violation of foreign law.

### Subpart I—Commercial Preservation Facilities

- 10.81 Tagging requirement.  
10.82 Records required.  
10.83 Inspection of premises.

### Subpart J—Feathers or Skins

- 10.91 Commercial use of feathers.  
10.92 Personal use of feathers or skins.

### Subpart K—Annual Season, Limit, and Shooting Hour Schedules

- 10.101-10.121 [Reserved]

### Subpart L—Administrative and Miscellaneous Provisions

- 10.131 Extension of seasons.  
10.132 Native use in Alaska.

### Subpart M—Wildlife Development Areas

- 10.141 Approval of area development program.  
10.142 Revocation of program approval.  
10.143 Notice and hearing.

**AUTHORITY:** The provisions of this Part 10 issued under the Migratory Bird Treaty Act of July 3, 1918, as amended, 40 Stat. 755-16 U.S.C. 703-711.

## Subpart A—Introduction

### § 10.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to the hunting of migratory game birds.

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part.

(c) *Authority.* These regulations are promulgated under authority of the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703-711).

### § 10.2 Relation to other provisions.

(a) *Migratory bird permits.* The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to Part 16 of this chapter.

(b) *Migratory bird hunting stamps.* The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.* The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State laws for the protection of migratory birds.* Nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

### Subpart B—Definitions

#### § 10.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Migratory game birds.* Those game birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed, are listed as follows:

(1) Anatidae (wild ducks, geese, brant, and swans);

(2) Columbidae (wild doves and pigeons);

(3) Gruidae (little brown cranes);

(4) Rallidae (rails, coots, and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A complete list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in § 1.11 of this chapter.

(c) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(d) *Take.* Pursue, hunt, shoot, capture, collect, kill or attempt to hunt, shoot, capture, collect, or kill.

(e) *Open season.* Calendar days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(f) *Closed season.* Calendar days on which migratory game birds shall not be taken.

(g) *Transport.* The act of transporting, carrying, or conveying, including delivering for transportation, receiving for transportation, or causing to be transported when performed by a person other than the postal service or a common carrier.

(h) *Ship.* The act of shipping, carrying, or conveying, including delivering for shipment or causing to be shipped, when performed by the postal service or a common carrier.

(i) *State.* Any State, the District of Columbia, the Commonwealth of Puerto

Rico, and the territories and possessions of the United States.

(j) *Daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(k) *Aggregate daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

(l) *Possession limit.* The maximum number permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(m) *Aggregate possession limit.* The maximum number, lawfully taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

(n) *Personal abode.* One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(o) *Commercial preservation facility.* Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

### Subpart C—Taking

#### § 10.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided*, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in Subpart K.

(f) By the use or aid of livestock as a blind or means of concealment;

(g) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless: (1) Such birds are and have been for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl, or (2) such birds are maintained at a distance of more than one-half mile from the place where waterfowl hunting occurs;

(h) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(i) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

(j) By the aid of baiting or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly, placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

**§ 10.22 Closed seasons.**

No person shall take migratory game birds during the closed seasons.

**§ 10.23 Shooting hours.**

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K.

**§ 10.24 Daily limit.**

No person shall take in any one day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

**§ 10.25 Wanton waste of migratory game birds.**

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

**Subpart D—Possession****§ 10.31 Prohibited if taken in violation of Subpart C.**

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

**§ 10.32 During closed season.**

No person shall possess any freshly killed migratory game birds during the closed season.

**§ 10.33 Possession limit.**

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

**§ 10.34 Opening day of a season.**

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

**§ 10.35 Field possession limit.**

(a) No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (1) his automobile or principal means of land transportation; or (2) his personal abode or temporary or transient place of lodging; or (3) a commercial preservation facility; or (4) a post office; or (5) a common carrier facility.

**§ 10.36 Tagging requirement.**

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed.

**§ 10.37 Custody of birds of another.**

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

**§ 10.38 Possession of live birds.**

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

**§ 10.39 Termination of possession.**

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial preservation facility and consigned for shipment by the Postal Service or a common carrier to some person other than the hunter.

**Subpart E—Transportation and Shipment Within the United States****§ 10.41 Prohibited if taken in violation of Subpart C.**

No person shall at any time, by any means, or in any manner, transport or ship any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

**§ 10.42 Transportation of birds of another.**

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

**§ 10.43 Species identification requirement.**

No person shall transport or ship within the United States any migratory game birds, except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

**§ 10.44 Marking package or container.**

No person shall ship migratory game birds unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

**Subpart F—Exportation****§ 10.51 Prohibited if taken in violation of Subpart C of this part.**

No person shall at any time, by any means, or in any manner, export or cause to be exported any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

**§ 10.52 Species identification requirement.**

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported or shipped from the United States and/or any of its possessions to any foreign country.

**§ 10.53 Marking package or container.**

No person shall export migratory game birds via the postal service or a common carrier unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

**Subpart G—Importations****§ 10.61 Importation limits.**

No person shall import during any one-calendar work beginning on Sunday migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.* Not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species from any foreign country.

(b) *Waterfowl.* Not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species from any foreign country except Canada.

**§ 10.62 Species identification requirement.**

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported or shipped between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

**§ 10.63 Foreign export permits.**

No person shall import, possess, transport, or ship any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

**§ 10.64 Processing requirement.**

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 10.62), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 16.12 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

**§ 10.65 Marking of package or container.**

No person shall import migratory game birds via the postal service or a common carrier unless the package or

container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

**Subpart H—Federal, State, and Foreign Law**

**§ 10.71 Violation of Federal law.**

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any Act of Congress or any regulation issued pursuant thereto.

**§ 10.72 Violation of State law.**

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

**§ 10.73 Violation of foreign law.**

No person shall at any time, by any means, or in any manner, import, possess, transport, or ship any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, shipped, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

**Subpart I—Commercial Preservation Facilities**

**§ 10.81 Tagging requirement.**

No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 10.36.

**§ 10.82 Records required.**

No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were received; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

**§ 10.83 Inspection of premises.**

No commercial preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

**Subpart J—Feathers or Skins**

**§ 10.91 Commercial use of feathers.**

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses,

and for similar commercial uses the feathers of migratory waterfowl (wild ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

**§ 10.92 Personal use of feathers or skins.**

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

**Subpart K—Annual Season, Limit, and Shooting Hour Schedules**

**§§ 10.101–10.121 [Reserved]**

**Subpart L—Administrative and Miscellaneous Provisions**

**§§ 10.131 and 10.132 [Redesignated]**

Present §§ 10.4(h) and 10.5 are redesignated as §§ 10.131 and 10.132 under this subpart.

**Subpart M—Wildlife Development Areas**

**§§ 10.141, 10.142 and 10.143 [Redesignated]**

Present §§ 10.71, 10.72, and 10.73 are redesignated as §§ 10.141, 10.142, and 10.143 under this subpart.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

F. V. SCHMIDT,  
*Acting Director, Bureau of Sport Fisheries and Wildlife.*

APRIL 24, 1972.

[FE Doc.72-6526 Filed 4-27-72;8:50 am]

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

[7 CFR Part 1464]

**FLUE-CURED TOBACCO, TYPES 11–14**

**Notice of Advance Schedule and Grade Rates for Price Support on 1972 Crop**

*Correction*

In F.R. Doc. 72-6097 appearing at page 7902 in the issue for Friday, April 21,

1972, the following changes should be made in the table in § 1464.16:

1. The entry between Grades H3F and H5F should read "H4F-----84.25."

2. The entry between Grades X1L and X3L should read "X2L-----86.25."

3. A new entry should be inserted between Grades X3F and X5F, reading "X4F-----81.25."

**Rural Electrification Administration**

[7 CFR Part 1701]

**CONSTRUCTION OF REA-FINANCED TRANSMISSION LINES**

**Transmission Line Manual**

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 62-1, Transmission Line Manual (Mechanical Design) to be used as a guide in developing design criteria for wood pole-type transmission lines.

Persons interested in data and information in this bulletin may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours.

A copy of the proposed revision of the Transmission Line Manual may be secured in person or by written request from the Director, Power Supply, Management, and Engineering Standards Division.

The major changes included in the proposed revisions of this bulletin are as follows:

**REVISION OF REA BULLETIN 62-1  
TRANSMISSION LINE DESIGN MANUAL**

The primary purpose of this Transmission Line Manual is to furnish engineering information as a basic guide for use in designing wood pole-type transmission lines and developing data for REA approval.

The previous Transmission Line Manual was dated May 1961. The proposed revision is a general updating of the manual to incorporate major changes in technology and technical data that have been developed since the 1961 publication. One of the more significant changes is the increased usage of higher voltage electric lines to transmit large blocks of power. Some of the REA systems have already constructed these higher voltage lines and additional mileages are proposed. In the general updating of the manual the most significant changes are as follows:

1. Design data on 230 and 345 kV wood pole transmission lines are included. Although the existing data calculations related to strength of structures are applicable for any voltage, data on clearance and other technical information were added for 230 and 345 kV lines.

2. Environmental considerations in design, routing, construction, operation and maintenance of transmission facilities have been added. Although REA systems have always been concerned with the protection of the environment, the present emphasis on environmental protection and aesthetics makes protection of the environment a factor that must be thoroughly considered in the construction of transmission facilities.

3. Several other changes and additions proposed in the general updating and design considerations are: Revision of tabulations of pole strengths by sizes and species to conform to the latest ANSI wood pole standards; the latest available Isotach and Isokeraunic Charts are included, providing data on wind and lightning conditions in the United States; the general updating of technical terminology, etc.

Dated: April 25, 1972.

JAMES N. MYERS,  
Assistant Administrator.

[FR Doc. 72-6536 Filed 4-27-72; 8:49 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 191 ]

#### HAZARDOUS SUBSTANCES

##### Test for Eye Irritants

The Commissioner of Food and Drugs believes the present method for testing hazardous substances for eye irritation prescribed in § 191.12 (21 CFR 191.12) can be improved by the revision proposed below.

The Commissioner is concerned that the eye irritation test presently prescribed by § 191.12 does not realistically reflect the eye contact that could reasonably be expected from exposure to household substances. The revision of the eye irritation test method proposed below provides for the use of two groups of animals. In one group the test eyes are washed after a 5-minute exposure. The eyes of the second group are exposed to the test substance for 24 hours and then examined before washing. An early observation at 1 hour is provided for both groups, and the minimum period for holding and observing test animals is extended to 7 days. Animals exhibiting the most severe reactions at 7 days are to be retained an additional 7 or 14 days. New provisions are also proposed to define substances that are corrosive to the eye and to describe positive and negative test results for such substances.

The Commissioner expects that the revised method proposed below will be of greater assistance in resolving situations where borderline eye irritation and possibility of permanent eye injury are issues. The proposed new protocol would require that a minimum of eight animals be used rather than the six called for by the presently prescribed method. The proposed use of the 5-minute and 24-hour exposure groups will permit an evaluation of the benefit to be anticipated from prompt first aid treatment.

The "Illustrated Guide for Grading Eye Irritation by Hazardous Substances" referenced in the present § 191.12(c) and proposed § 191.12(i) is currently out of stock and is being revised. It is anticipated that the revised guide will be available soon and notice of the date that the revised guide will be available will be published in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 191.1(g)(3) and (h) and § 191.12 be revised as follows:

#### § 191.1 Definitions.

(g) \* \* \*

(3) *Eye irritants.* A substance is an irritant to the eye if the available data on human experience indicate that it is an irritant to the eye, or if a positive test result as to irritancy is obtained when the substance is tested by the method described in § 191.12.

(h) *Corrosive.* A "corrosive substance" is one that causes visible destruction or irreversible alterations in the tissue at the site of contact. A test for a corrosive substance is whether, by human experience, such tissue destruction occurs at the site of application. A substance would be considered corrosive to the skin, if when tested on the intact skin of the albino rabbit by the technique described in § 191.11 the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less. A substance would be considered corrosive to the eye if a positive test result as to corrosiveness is obtained when the substance is tested by the method described in § 191.12. Other appropriate tests should be applied when contact of the substance with other than skin or eye tissue is being considered.

#### § 191.12 Test for eye irritants.

(a) *Maintenance, selection, and dosing of animals.* Eight albino rabbits are used for each test substance. Animal facilities for such procedures shall be so designed and maintained as to exclude sawdust, wood chips, or other extraneous materials that might produce eye irritation. Both eyes of each animal in the test group shall be examined (with the aid of a binocular loupe, hand slit-lamp, or other suitable means that permit thorough examination) before testing, and only those animals without eye defects or irritation shall be used. The animal is held firmly but gently until quiet. The test material is placed in one eye of each animal by gently pulling the lower lid away from the eyeball to form a cup into which the test substance is instilled. The lids are then gently held together for one second and the animal is released. The other eye, remaining untreated, serves as a control.

(b) *Protocol.* Details of test procedures are as outlined in the following table with footnotes:

	Group I (five animals)	Group II (three animals)
Test substance:		
Liquids.....	0.1 milliliter by volume.	0.1 milliliter by volume.
Pastes, foams <sup>1</sup> .....	50 milligrams by weight.	50 milligrams by weight.
Solids <sup>2</sup> .....	Do.	Do.
Powders, granules, flakes <sup>3</sup> .....	0.1 milliliter by volume.	0.1 milliliter by volume.
Aerosols, pressurized containers <sup>4</sup> .....	Do.	1-second spray at 4 inches.
Exposure <sup>5</sup> .....	5 minutes.....	24 hours.
Treatment <sup>6</sup> .....	Wash for 2 minutes with 300 milliliters of water immediately following the 5-minute exposure period.	Wash for 2 minutes with 300 milliliters of water immediately following the first 24-hour examination.
Examination schedule.....	1 hour after wash. <sup>7</sup>	1 hour after instillation.
	24 hours <sup>7</sup> .....	24 hours. <sup>8, 9, 1</sup>
	48 hours <sup>7</sup> .....	48 hours. <sup>1</sup>
	72 hours <sup>7</sup> .....	72 hours. <sup>7</sup>
	7 days <sup>7</sup> .....	7 days. <sup>1</sup>
	14 days <sup>8</sup> .....	14 days. <sup>1</sup>
	21 days <sup>8</sup> .....	21 days. <sup>1</sup>

<sup>1</sup> For pastes and foams, a 50-milligram aliquot of the test material is weighed on glassine paper and applied to the inside surface of the lower eyelid of each test eye.

<sup>2</sup> Solids which because of their physical dimensions cannot be placed in the eye should be so comminuted that a 50-milligram aliquot can be instilled into each test eye.

<sup>3</sup> For substances that have a variable bulk density, such as powders, granules, flakes, or other particulate form, the weighed amount equivalent to a volume of 0.1 milliliter is tested. The substance is gently compacted without altering the individual particles, into a 5-milliliter, conical bottom, centrifuge tube which is graduated from the tip to 1 milliliter in 0.1-milliliter subdivisions. In such a case the weight of each 0.1-milliliter test dose is recorded, averaged, and reported for each test group.

<sup>4</sup> For aerosols and contents in pressurized containers, the effluent is collected in a chilled (ice bath) 50-milliliter Erlenmeyer flask, and 0.1 milliliter is instilled into each test eye of group I (five animals). Group II (three animals) is subjected to a 1-second spray at a distance of 4 inches. The animal's eyelids are held apart manually during the spray period.

<sup>5</sup> Group I (five animals) is exposed to the test substance for 5 minutes and then washed. Group II (three animals) is exposed to the test substance for 24 hours and then examined before washing. The reason for the two different exposure periods is to identify severe eye irritants. After the first 24-hour reading, the 24-hour exposure group is also washed for 2 minutes with 300 milliliters of water.

<sup>6</sup> Eyes should be washed with a gentle, continuous stream of water so regulated as to deliver a volume of 300 milliliters in 2 minutes.

<sup>7</sup> At the above-indicated times, after grading eye reaction, one drop of fluorescein sodium ophthalmic solution U.S.P. or equivalent is instilled directly onto the cornea of the group I and group II eyes. After a few seconds the excess stain is flushed out with 20 milliliters of sodium chloride solution U.S.P. or water and the eyes reexamined.

<sup>8</sup> The 14-day reading is required when ulceration or opacity is present at 7 days, and the 21-day reading is required when ulceration or opacity is present at 14 days.

(c) *Grading ocular reactions.* The eyes are examined at the times indicated in the table in paragraph (b) of this section. Reading of reactions is facilitated by use of binocular loupe hand slit-lamp, or other expert means. At certain times indicated in said table by use of the superscript numeral "7," fluorescein staining is used after grading ocular reactions. Injured tissues are stained yellow and are best visualized in a darkened room under ultraviolet illumination. Fluorescein staining is useful primarily for accurately delineating areas of involvement and in determining when full recovery has occurred. Grades are assigned for presence and/or degree of ulceration or opacity of the cornea and

iris and for redness, chemosis, and ulceration or necrosis of the conjunctival mucosa, as outlined in the following table:

GRADES FOR OCULAR REACTIONS

CORNEA	Grade
No ulceration or opacity	0
Scattered or diffuse areas of opacity, details of iris clearly visible	1
Easily discernible translucent areas of opacity, details of iris slightly obscured	2
Nacreous areas of opacity, no details of iris visible, size of pupil barely discernible	3
Complete corneal opacity, iris not discernible	4
Ulceration, absence of a gross patch of corneal epithelium	4
IRIS	
Normal	0
Markedly deepened folds, congestion, swelling, moderate circumcorneal injection (any of these or combination of any thereof), iris still reacting to light (sluggish reaction is positive)	1
No reaction to light, hemorrhage, gross destruction (any or all of these)	2

CONJUNCTIVAE	
Redness (refers to palpebral and bulbar conjunctivae excluding cornea and iris):	
Vessels normal	0
Some vessels definitely injected	1
Diffuse, crimson red, individual vessels not easily discernible	2
Diffuse beefy red	3
Chemosis:	
No swelling	0
Any swelling above normal (includes nictitating membrane)	1
Obvious swelling with partial eversion of lids	2
Swelling with lids about half closed	3
Swelling with lids more than half closed	4
Ulceration or necrosis of palpebral and bulbar conjunctivae or nictitating membrane	4

<sup>1</sup> Grades considered positive for irritation.  
<sup>2</sup> Grades considered positive for corrosiveness. In addition, grade 1 opacity evident for any 6 or more days will also be considered as corrosive.

(d) *Description of positive reactions as to irritancy.* An animal shall be considered as exhibiting a positive irritant reaction if the test substance produces at any of the required readings (other than the 1-hour reading) ulceration of the cornea (other than a fine stippling), or opacity of the cornea (other than a slight dulling of the normal luster), or inflammation of the iris (other than a slight deepening of the folds (or rugae) or a slight circumcorneal injection of the blood vessels), or if such substance produces in the conjunctivae (excluding the cornea and iris) an obvious swelling with partial eversion of the lids or a diffuse crimson redness with individual vessels not easily discernible.

(e) *Determination of positive and negative test results as to irritancy.* For the purposes of this test, grading ocular reactions at 1 hour postinstillation or postwash is intended only to establish the immediate effects of the test material and provide a reference point for evaluating the effects of treatment (washing) or lack thereof on the test eye. The fol-

lowing outlines the method for determining whether the overall test is negative or positive for irritancy:

GROUP I (5-MINUTE EXPOSURE)

**FIRST TEST**  
 Positive irritant reaction exhibited in 0/5 or 1/5 animals = negative test, irritancy.  
 Positive irritant reaction exhibited in 3/5 or more animals = positive test, irritancy.  
 Positive irritant reaction exhibited in 2/5 animals = positive test, irritancy, unless repeated (optional) in a second group of 5 animals not previously used for such tests.

**SECOND TEST (IF PERFORMED)**  
 Positive irritant reaction exhibited in 0/5 animals = negative test, irritancy.  
 Positive irritant reaction exhibited in 2/5 or more animals = positive test, irritancy.  
 Positive irritant reaction exhibited in 1/5 animals = positive test, irritancy, unless repeated (optional) in a third group of 5 animals not previously used for such tests.

**THIRD TEST (IF PERFORMED)**  
 Positive irritant reaction exhibited in 0/5 animals = negative test, irritancy.  
 Positive irritant reaction exhibited in 1/5 or more animals = positive test, irritancy.

GROUP II (24-HOUR EXPOSURE)

**FIRST TEST**  
 Positive irritant reaction exhibited in 0/3 animals = negative test, irritancy.

Category	Ocular reaction	Group I (5-minute exposure) <sup>1</sup>	Group II (24-hour exposure) <sup>1</sup>
1. Negative	No opacity, iritis, or conjunctivitis.	Negative at 1-7 days	Negative at 1-7 days.
2. Marginal	Generally redness or chemosis, grade 1 on group I eyes. <sup>2</sup>	do	Positive at 24 hours; eyes returned to normal at 48 hours.
3. Irritant	Primarily conjunctivitis—redness and chemosis, scores of grade 2 and above.	Positive at 24 hours; eyes returned to normal at 72 hours.	Positive at 24 hours; eyes returned to normal at 72 hours.
4. Strongly irritant.	Iritis and conjunctivitis.	Positive at 24 hours; all eyes are below a positive score or returned to normal at 72 hours.	Positive at 24 hours; eyes returned to normal at 7th day.
5. Extremely irritant and/or corrosive.	do	Positive at 24 hours; one or more eyes still positive at 72 hours.	Positive at 24 hours; one or more eyes still positive at 7th day.
	Opacity <sup>3</sup> and/or ulceration. <sup>3</sup>	Positive	Positive.

<sup>1</sup> The terms "positive" and "negative" as used in this table refer to positive or negative test results determined as described in paragraph (e) or (g) of this section.  
<sup>2</sup> The score should not exceed grade 1 on more than one of the group I eyes.  
<sup>3</sup> Corrosiveness, as defined in paragraph (f) of this section.

(i) *Illustrated grading guide.* To assist testing laboratories and other interested persons in interpreting the results obtained when a substance is tested in accordance with the method described in this section, an "Illustrated Guide for Grading Eye Irritation by Hazardous Substances" is sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The guide includes color plates depicting responses of varying intensity to specific test solutions. (The grade of response and the substance used to produce the response are indicated.)

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may

Positive irritant reaction exhibited in 2/3 or all 3 animals = positive test, irritancy.  
 Positive irritant reaction exhibited in 1/3 animals = positive test, irritancy, unless repeated (optional) in a second group of 3 animals not previously used for such tests.

**SECOND TEST (IF PERFORMED)**  
 Positive irritant reaction in 0/3 animals = negative test, irritancy.  
 Positive irritant reaction in 1/3 or more animals = positive test, irritancy.

(f) *Description of positive reactions as to corrosiveness.* An animal shall be considered as exhibiting a positive corrosive reaction if the test substance produces at any of the required readings (other than the 1-hour reading) ulceration of the cornea (other than a fine stippling), or opacity grade 1 from the 24-hour through the 7-day reading, opacity grade 2 or higher, or if there is obvious ulceration or necrosis of the conjunctivae.

(g) *Definition of positive and negative test results as to corrosiveness.* The sequential procedure is identical to that in paragraph (e) of this section, substituting the word "corrosive" for the word "irritant," and the word "corrosiveness" for the word "irritancy," wherever it is appropriate.

(h) *Categorization of results.* The following tabulation is presented to aid in evaluating the overall test as to potential for eye injury:

be seen in the above office during working hours, Monday through Friday.  
 Dated: April 20, 1972.

CHARLES C. EDWARDS,  
 Commissioner of Food and Drugs.  
 [FR Doc. 72-6339 Filed 4-27-72; 8:45 am]

DEPARTMENT OF  
 TRANSPORTATION

Coast Guard  
 [ 33 CFR Part 110 ]  
 [CGD 72-78 PH]

SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, SAN JOAQUIN RIVER, AND CONNECTING WATERS, CALIF.

Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations of

San Francisco Bay and connecting waters presently described in 33 CFR 110.224.

The volume and nature of maritime traffic utilizing these waters has undergone substantial changes over the past century, and most significantly in the past 20 years. One of the most notable changes has been in the ratio of vessels at anchor to vessels underway at any given moment. Commercial vessels no longer lay at anchor for days or weeks at a time. The economics of the modern merchant marine dictate that in-port time be kept to an absolute minimum. At the same time, the number and size of vessels calling at the port has increased. It appears that the existing anchorage grounds occupy a disproportionate share of the available deep water.

The proposed amendments to the anchorage regulations were developed with the advice of the San Francisco Bay Vessel System Committee, a maritime oriented group representing all facets of commercial and recreational marine interests and various Federal agencies. The proposed anchorage grounds are consistent with and a necessary prerequisite to a voluntary system of vessel traffic routing which will be implemented in the near future to evaluate its potential in increasing maritime safety. The proposed anchorage grounds and traffic route will be marked with buoys at appropriate boundaries.

The establishment of a Voluntary Traffic Separation System in San Francisco Bay and San Pablo Bay is not a subject of this notice of proposed rule making. However, that plan bears an important relationship to the proposed changes to the anchorage regulations contained in this proposal.

In order to acquaint all concerned regarding the future plans for a Voluntary Traffic Separation System the following information is provided:

(1) The variety of types, purposes and destinations of maritime traffic in this area has resulted in a proliferation of routes through the bay, each is responsive to the requirements of a particular user or interest, but is often incompatible with other routes. As a result, meeting and crossing situations, the most frequently encountered element in marine collisions and near misses, occur frequently in all parts of the bay. Reducing the frequency of meetings and crossings, or even increasing their predictability restricting them to specific geographic areas, should effect a corresponding reduction of accidents or near accidents.

(2) In buoyed channels or narrow rivers, the application of the "Keep to Starboard" provisions of the Rules of the Road serves to separate traffic proceeding in opposite directions effectively, and there is little or no cross traffic to be concerned with. In open areas such as San Francisco Bay, there is no natural separation so a traffic separation system consisting of lanes designated on charts and by buoys and traffic directions designated on charts is proposed.

(3) Although the principal benefits will accrue to larger vessels, the system and its benefits will be applicable in varying

degrees to all users of the bay. Vessels 300 tons and over would operate within the prescribed lanes and in accordance with the prescribed traffic flow. Vessels less than 300 tons would follow the prescribed traffic flow when within the prescribed lanes, but could operate outside the prescribed lanes. Special procedures for those vessels that cannot comply with the prescribed traffic flow would be part of the Voluntary Traffic Separation System. Small, noncommercial vessels might find it impractical to comply with either the prescribed traffic flow or special procedures at all times, but would benefit by the knowledge of the established flow and therefore be able more readily to determine the intentions of vessels using the system.

(4) No vessel using the system would be relieved from complying with the rules of the road. Participation in the planned traffic separation system would be voluntary.

Additional details on the implementation and operation of the Voluntary Traffic Separation System can be obtained from the Commander, Twelfth Coast Guard District (Vessel Traffic Systems), 630 Sansome Street, San Francisco, Calif. 94126.

In order to accomplish the above, it is proposed to make the following changes:

1. Delete portions of § 110.224(a) (2) *Anchorage 4 (general)*, (a) (5) *Anchorage 7 (temporary)*, and (b) (2) *Anchorage 19 (general)*.

2. Delete entire § 110.224(a) (6) *Anchorage 8 (general)* and (a) (9) *Anchorage 12 (naval)*.

3. Relocate (a) (3) *Anchorage 5 (general)*.

4. Redefine boundaries of (a) (5) *Anchorage 7 (temporary)* and (a) (6) *Anchorage 8 (temporary)*.

5. Redefine boundaries of (a) (7) *Anchorage 9 (general)*.

6. Redefine boundaries of (a) (9) *Anchorage 12 (naval)*.

7. Establish a new (a) (9) *Anchorage 12 (explosives anchorage)*.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126. Each person submitting comments should include his name and address, identify this notice (CGD 72-78 PH), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District will hold a Public Hearing on this proposal at 10 a.m., P.d.s.t., Wednesday, May 24, 1972, at the Presidio Theater, Moraga Avenue, The Presidio of San Francisco, CA, to consider amendments to the Anchorage Regulations. All interested persons are invited to be present or to be represented at this Public Hearing, especially officials of any county, town, city, or local association whose interests may be affected by the proposed regulations. All persons will be given opportunity to express their views

as to the suitability of the proposed regulations and to suggest any changes that may be considered desirable. Oral statements will be heard, but for completeness and accuracy of the record, all facts and arguments should be presented in writing at the hearing.

The Commander, Twelfth Coast Guard District will forward any comments received before May 27, 1972, and his recommendations to the Commandant (CMC), U.S. Coast Guard, who will evaluate all comments and communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that § 110.224 be revised to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Straits, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *San Francisco Bay Anchorage Grounds*—(1) *Anchorage No. 3, general anchorage*. That portion of Belvedere Cove bounded by the shore and a line beginning at latitude 37°52'20", longitude 122°27'02"; thence southwest to latitude 37°51'43" and longitude 122°27'25".

(2) *Anchorage No. 4, General Anchorage*. (i) Bounded by the westerly shore of San Francisco Bay and the following lines: Beginning on the shore south of Point San Quentin at latitude 37°56'15", longitude 122°29'14"; thence east to latitude 37°56'19", longitude 122°28'00"; thence southeast to latitude 37°54'58", longitude 122°27'08"; thence southwest to latitude 37°54'13", longitude 122°27'24"; thence southeast to the shore of Tiburon Peninsula at Point Chauncey at latitude 37°53'40.5", longitude 122°26'55", excluding Explosives Anchorage 13 and the forbidden anchorage surrounding it.

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel.

(3) *Anchorage No. 5, General Anchorage*. (i) In San Francisco Bay beginning on the northwest shore of Red Rock at latitude 37°55'48", longitude 122°25'52"; thence west to San Francisco Bay North Channel Lighted Buoy 10 at latitude 37°55'43", longitude 122°26'33"; thence south to San Francisco Bay North Channel Lighted Buoy 8 at latitude 37°54'49", longitude 122°26'39"; thence southeast to latitude 37°53'23", longitude 122°25'09"; thence north to Southampton Shoal Channel Lighted Buoy 5SS at latitude 37°55'19", longitude 122°25'29.5"; thence to the southeast shore of Red Rock at latitude 37°55'42", longitude 122°25'45".

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel or the Southampton Shoal Channel.

(4) *Anchorage No. 6, General Anchorage*. Bounded by the easterly shore of San Francisco Bay and the following lines beginning at the shore of the southernmost extremity of Point Isabel at

latitude 37°53'46", longitude 122°19'19"; thence westerly along the northerly shore of Brooks Island to the jetty extending westerly therefrom; thence westerly along the jetty to its bayward end at latitude 37°54'13", longitude 122°23'27"; thence south-southeast to latitude 37°49'53", longitude 122°21'39"; thence southeast to latitude 37°49'32.5", longitude 122°21'20.5"; thence east to latitude 37°49'34", longitude 122°20'13"; thence east-southeast to latitude 37°49'30", longitude 122°19'45.5"; thence east-northeast to the shore at Emeryville at latitude 37°50'04", longitude 122°17'41"; excluding from this area, however, the Channel to Berkeley Marina delineated by lines joining the following points:

Latitude	Longitude
37°52'08"	122°19'07"
37°52'03"	122°19'17.5"
37°52'00"	122°19'15.5"
37°51'01"	122°22'07"
37°50'43"	122°22'00"
37°50'53"	122°21'32"
37°51'47"	122°18'59"

(5) *Anchorage No. 7, Temporary Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at latitude 37°49'36", longitude 122°22'40"; thence to latitude 37°50'00", longitude 122°23'26"; thence south to San Francisco Bay South Channel Lighted Buoy 1 at latitude 37°49'23.5", longitude 122°23'25"; thence southeast to latitude 37°48'42", longitude 122°22'34"; thence to the shore of Treasure Island at latitude 37°48'52", longitude 122°22'14".

(ii) Special regulation: (a) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(b) This anchorage is primarily for the use of vessels undergoing examination by quarantine, customs, immigration, Coast Guard, and other governmental authorities. Upon completion of these examinations, vessels shall move promptly to a regular anchorage. This anchorage may also be utilized by vessels requiring a temporary anchorage waiting to proceed to pier facilities.

(c) Vessels utilizing this anchorage shall not remain for more than 12 hours without a written permit from the Captain of the Port. Should traffic volume warrant, the Captain of the Port may assign specific berths within this anchorage. These berths are circular areas having a radius of 300 yards, the centers of which are located at:

Berth	Latitude	Longitude
7A.....	37°40'43"	122°23'14"
7B.....	37°49'25.5"	122°23'12.5"
7C.....	37°49'12.5"	122°22'55.5"
7D.....	37°49'00"	122°22'41"

(d) The master of every vessel using this anchorage shall maintain his vessel in such condition that the vessel can move promptly upon notification by the Captain of the Port.

(6) *Anchorage No. 8, Temporary Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of the Naval Air Station, Alameda and the following lines: Beginning at Oakland Inner Harbor Light 2 at latitude 37°47'52", longitude 122°19'54"; thence west northwest to latitude 37°48'03", longitude 122°20'57.5"; thence south southwest to latitude 37°47'56", longitude 122°21'22.5"; thence southwest to latitude 37°47'26", longitude 122°21'41"; thence south southeast to San Francisco Bay South Channel Lighted Buoy 3 at latitude 37°47'00", longitude 122°21'30"; thence southeast to the Alameda Naval Air Station Channel Entrance Lighted Bell Buoy 1 at latitude 37°46'38", longitude 122°20'24"; thence northeast to the most westerly shore of Alameda Naval Air Station at latitude 37°46'57", longitude 122°19'53".

(ii) Special regulation: This anchorage is primarily for use as a temporary holding ground for vessels waiting to proceed to pier facilities in the Oakland Harbors. No vessel shall remain in this anchorage for more than 6 hours without written permission from the Captain of the Port. No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(7) *Anchorage No. 9, general anchorage.* (i) In San Francisco Bay bounded on the north by the shore, the breakwater and turning basin at the Alameda Naval Air Station and a line beginning at the Alameda Naval Air Station Channel Lighted Buoy 6 at latitude 37°46'23", longitude 122°19'02"; thence west to the Alameda Naval Air Station Channel Entrance Lighted Buoy 2 at latitude 37°46'27", longitude 122°20'24.5"; thence west southwest to San Francisco Bay South Channel Lighted Buoy 5 at latitude 37°46'17.5", longitude 122°21'48"; thence south southeast to San Bruno Shoal Channel Light 1 at latitude 37°41'44", longitude 122°20'17.5"; thence south southeast to San Bruno Shoal Channel Light 5 at latitude 37°38'37", longitude 122°18'43"; thence southeast to latitude 37°36'05", longitude 122°14'13.5"; thence east northeast to the shore at latitude 37°37'38.5", longitude 122°09'02"; and bounded on the east by the shore; including all of San Leandro Bay excluding the pipeline areas therein. When Explosives Anchorage 12 is activated by the Captain of the Port, this anchorage and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 9, general anchorage.

(ii) Special regulation: No vessel anchored in this anchorage may project into San Francisco Bay South Channel on into San Bruno Shoal Channel.

(8) *Anchorage No. 10, naval anchorage.* (i) In San Francisco Bay bounded by the easterly shore of Sausalito and the following lines: Beginning on the shore of Sausalito at latitude 37°51'20", longitude 122°28'38"; thence southeast to latitude 37°50'52.5", longitude 122°27'57"; thence southwest to the shore of Sausalito at latitude 37°50'36", longitude 122°28'34".

(ii) Special regulation: This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

(9) *Anchorage No. 12, explosives anchorage.* (i) In San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at latitude 37°44'32.5", longitude 122°20'27.5".

(ii) Special regulation. (a) No vessel may use this anchorage except the vessel that is loaded with, loading or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(b) This anchorage and the surrounding forbidden anchorage zone are temporarily activated as needed, by the Captain of the Port. When this anchorage is not activated it is a part of Anchorage No. 9, general anchorage. Notification of activation and deactivation will be disseminated by the U.S. Coast Guard in "Local Notice to Mariners", and by direct notice to the various pilot and shipping organizations.

(c) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons.

(d) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(10) *Anchorage No. 13, explosives anchorage.* (i) In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at the Explosives Anchorage 13 Buoy EX at latitude 37°55'26", longitude 122°27'27".

(ii) Special regulation: (a) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(b) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 50 tons; except that, with the permission of the Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may anchor temporarily in this anchorage provided the hatches to the holds containing explosives are not opened.

(c) The 667-yard-wide zone partially surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(11) *Anchorage No. 14, explosives anchorage.* (i) In San Francisco Bay east of Hunters Point an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and center, respectively

at latitude 37°42'52", longitude 122°19'32.5", and latitude 37°42'14", longitude 122°18'47"; and the side boundaries of which are parallel tangents joining said semicircles. This anchorage is marked at each extremity, respectively, by Explosives Anchorage 14 Lighted Buoy EX-A and Explosives Anchorage 14 Buoy EX-B.

(ii) *Special regulation.* (a) No vessel may use this anchorage except vessels loaded with, loading, or unloading explosives and lighters and barges lying alongside vessels for transfer of cargo.

(b) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(c) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(d) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the Captain of the Port when the area is required for general anchorage purposes.

(b) *San Pablo Bay Anchorage Grounds*—(1) *Anchorage No. 18, general anchorage.* In San Pablo Bay bounded by the westerly shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro at latitude 37°59'16", longitude 122°26'47"; thence east to latitude 37°59'16", longitude 122°26'26"; thence northerly to latitude 38°03'46", longitude 122°25'52.5"; thence northwesterly to the shore south of the entrance to Novato Creek at latitude 38°05'13.5", longitude 122°29'04"; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(2) *Anchorage No. 19, general anchorage.* In San Pablo Bay bounded by the northeasterly shore of San Pablo Bay and the following lines: Beginning at the shore of Tubbs Island at latitude 38°07'39", longitude 122°25'18"; thence southerly to latitude 38°00'36", longitude 122°25'20"; thence northeasterly to latitude 38°03'13", longitude 122°19'46"; thence east-northeasterly to latitude 38°03'37", longitude 122°17'13"; thence northerly to the long dike extending southwesterly from Mare Island at latitude 38°03'52.5", longitude 122°17'10"; thence along the long dike to the shore at Mare Island. Vessels anchored in this anchorage shall insure that they do not project into the Pinole Shoal Channel.

NOTE: See § 204.215 of this title establishing a target area in San Pablo Bay adjacent to the westerly shore of Mare Island for use of the Mare Island Navy Yard.

(3) *Anchorage No. 20, general anchorage.* In San Pablo Bay bounded by the southeasterly shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo at latitude 37°57'59",

longitude 122°25'35"; thence northeast to latitude 38°01'27.5", longitude 122°21'33"; thence east-northeast to the Union Oil Co. Pier at Oleum at latitude 38°03'18", longitude 122°15'37"; and thence along this pier to the shore.

(4) *Anchorage No. 21, naval anchorage.* In San Pablo Bay south of Mare Island a rectangular area beginning at latitude 38°03'53", longitude 122°15'36"; thence easterly to latitude 38°03'58", longitude 122°15'00"; thence southerly to latitude 38°03'44", longitude 122°14'56"; thence westerly to latitude 38°03'39", longitude 122°15'32.5"; thence northerly to the point of beginning.

(c) *Carquinez Strait Anchorage Grounds*—(1) *Anchorage No. 24, general anchorage.* (i) Bounded by the northerly shore of Carquinez Strait and the following lines: Beginning on the shore at Dillon Point at latitude 38°03'44", longitude 122°11'29"; thence southeast to latitude 38°03'34", longitude 122°11'10"; thence south-southeast to latitude 38°03'17", longitude 122°11'04"; thence southeast to the shore of Benicia at latitude 38°02'37.5", longitude 122°09'55".

(ii) *Special regulation:* Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(2) *Anchorage No. 25, general anchorage.* (i) Bounded by the south shore of Carquinez Strait and the following lines: Beginning on the shore at Point Carquinez at latitude 38°02'09", longitude 122°10'22"; thence east southeast to latitude 38°01'47", longitude 122°08'57"; thence southeast to the shore of Martinez at latitude 38°01'20", longitude 122°08'42".

(ii) *Special regulation:* Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(d) *Suisun Bay Anchorage Grounds*—(1) *Anchorage No. 26, general anchorage.* On the west side of Suisun Bay, adjacent to and northeast of the City of Benicia within the following boundaries: Beginning on the shore northeast of Army Point at latitude 38°02'54", longitude 122°07'37"; thence south-southeast along the Southern Pacific Bridge to latitude 38°02'38", longitude 122°07'24"; thence east to latitude 38°02'42", longitude 122°07'07.5"; thence northeast to Suisun Bay Anchorage 26 Lighted Buoy B at latitude 38°05'42", longitude 122°04'06"; thence northwest to the shore at latitude 38°05'58", longitude 122°04'28"; thence along the shore to the point of beginning.

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration and § 207.900 of this title establishes a restricted area in the vicinity of the Reserve Fleet.

(2) *Anchorage No. 27, general anchorage.* In the northeast portion of Suisun Bay bounded by the northern shore and the following lines: Beginning on the shore of Crizzly Island at latitude 38°08'13", longitude 122°02'42.5"; thence south to tripod at Preston Point on Roe Island at latitude 38°04'16", longitude 122°02'42"; thence along the south shore

of Roe Island to latitude 38°04'05", longitude 122°01'35"; thence east-southeast to latitude 38°03'42.5", longitude 121°58'54"; thence east to the shore of Chipps Island at latitude 38°03'42.5", longitude 121°55'05".

(e) *San Joaquin River Anchorage Grounds*—(1) *Anchorage No. 28, general anchorage.* The area bounded on the east by the shore of Lower Sherman Island and the following lines: Beginning at Point Sacramento on Lower Sherman Island at latitude 38°03'45", longitude 121°50'17.5"; thence southwest to latitude 38°03'37.5", longitude 121°50'31"; thence south southeast to latitude 38°02'11", longitude 121°49'58"; thence to the shore of Lower Sherman Island at latitude 38°02'23", longitude 121°49'49".

(2) *Anchorage No. 30, explosives anchorage.* (i) The portion of the Old San Joaquin River Channel bounded on the west by the shore of Mandeville Point and the following lines: Beginning on the shore of Mandeville Point at latitude 38°04'01", longitude 121°32'05"; thence northeast to latitude 38°04'07.5", longitude 121°31'58"; thence southeast to latitude 38°04'02.5", longitude 121°31'42.5"; thence west to the shore of Mandeville Point at latitude 38°03'47.5", longitude 121°31'56".

(ii) *Special regulation:* (a) This anchorage is for the use of vessels, lighters, and barges loaded with, loading, or unloading explosives or explosives materials.

(b) No other vessel may enter or remain in this anchorage when the anchorage is occupied by vessels loaded with explosives. At all other times the anchorage is open to navigation.

(c) Notice of loading and unloading operations will be given by notice published by the United States Coast Guard in "Local Notice to Mariners", and by notice given by the Port of Stockton to local radio stations and newspapers, and by telephonic means to any organization that may request that such advice be given. In all cases the notice will state how long the operation will be in progress and on what days.

(f) *Sacramento River, Decker Island Restricted Anchorage Grounds for Vessels of the U.S. Government*—(1) *The anchorage ground.* An elongated area in the Sacramento River bounded on the west by the shore of Decker Island and the following lines: Beginning on the shore at Decker Island North End Light at latitude 38°06'16", longitude 121°42'32.5"; thence east to latitude 38°06'15", longitude 121°42'27"; thence south to latitude 38°05'22", longitude 121°42'30"; thence southwest to latitude 38°05'08", longitude 121°42'40"; thence west southwest to latitude 38°05'02", longitude 121°42'50"; thence northwest to the shore of Decker Island at latitude 38°05'04", longitude 121°42'52.5".

(2) *Special regulation.* No vessel or other craft except those owned by or operating under contract with the United States may navigate or anchor within 50 feet of any moored Government vessel in the area. Commercial and pleasure craft

shall not moor to buoys or chains of Government vessels, nor may they, while moored or underway, unreasonably obstruct the passage of Government or other vessels through the area.

(g) *General regulations.* The following regulations apply to each anchorage described in this section:

(1) No vessel may anchor in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, and the Stockton Turning Basin, Calif., outside of the anchorage areas established in this section except when unforeseen circumstances create conditions of imminent peril or with the written permission of the Captain of the Port. Each vessel anchoring in imminent peril or heavy fog shall immediately inform the Captain of the Port of her position and reason for anchoring.

(2) No vessel may anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(3) No vessel may moor, anchor, or tie up to any pier, wharf, or other vessel in such a manner as to extend into a channel.

(4) No vessel in such a condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels may occupy an anchorage, except when unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(5) The Captain of the Port may require any vessel in a designated anchorage area to moor with two or more anchors.

(6) Each vessel that will not have sufficient personnel on board to weigh anchor at any time shall anchor with two anchors with mooring swivel, unless otherwise authorized by the Captain of the Port.

(7) Light-draft barges shall anchor away from the deeper portions of the anchorage, so as not to interfere with the anchoring of deep draft vessels.

(8) Barges towed in tandem to any anchorage area shall nest together when anchoring.

(9) Each vessel that is notified by the Captain of the Port or his authorized representative to shift her position shall promptly shift her position.

(10) No person may use these anchorages for any purpose other than the purposes stated in the special anchorage regulations.

(11) Nothing in this section may be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights or for not complying with the laws relating to lights, day signals, and fog signals, and other navigation laws and regulations.

(12) *Explosive anchorages:*

(i) Unless otherwise authorized by the Captain of the Port, no vessel other than a vessel carrying explosives may anchor in an explosives anchorage.

(ii) Each vessel carrying explosives shall be entirely within one of these areas when anchored, except as provided by subdivision (X) of this subparagraph.

(iii) No vessel may transport explosives to be loaded on, or that have been unloaded from, another vessel in an explosives anchorage area unless she carries written permission from the Captain of the Port.

(iv) No vessel carrying explosives or on which explosives are to be loaded may proceed to an explosives anchorage or occupy a berth in an explosives anchorage without written permission from the Captain of the Port, which may be revoked at any time.

(v) The Captain of the Port may issue permission to vessels carrying flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances to occupy a berth in an explosives anchorage. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(vi) The Captain of the Port may require any person having business on board a vessel which is laden or being on-loaded or off-loaded with explosives to have a document that is acceptable to the Coast Guard for identification purposes and to show that document to the Captain of the Port.

(vii) The Captain of the Port may require a nonself-propelled vessel, or a self-propelled vessel that is unable to maneuver under its own power, that occupies an explosives anchorage to be attended by a tug.

(viii) Each vessel loading, unloading, or laden with explosives, while within an explosives anchorage, shall display at her masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more.

(ix) When a vessel is conducting loading operations from barges at any explosives anchorage and is displaying a red flag by day, passing vessels shall reduce speed so as to insure that their wake does not interfere with cargo transfer operations.

(x) The District Engineer, Corps of Engineers, may issue written permission for anchoring a single barge carrying explosives in quantities considered by him as safe and necessary in the vicinity of work being done directly under his supervision or under a Department of the Army permit. When the District Engineer issues such permission, he shall prescribe the conditions under which the explosive must be stored and handled and shall furnish a copy of the permit and a copy of the rules and regulations for storing and handling to the Captain of the Port.

(13) No vessel other than a vessel under Federal supervision may go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. No vessel other than a vessel under Federal supervision may obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

(14) Each vessel anchoring in the San Joaquin River Deep Water Channel or the Stockton Turning Basin because of imminent peril or heavy fog shall be positioned as near the edge of the channel or turning basin as possible so as not to interfere with navigation, or obstruct the approach to any pier, wharf, slip, or boat harbor and shall move as soon as the imminent peril or heavy fog ceases or when notified to move by the Captain of the Port.

(15) No vessel may permanently moor in areas adjacent to the San Joaquin River Deep Water Channel except with the written permission of the Captain of the Port.

These proposals are made under the authority of section 7, 38 Stat. 1053, as amended (33 U.S.C. 471), section 6(g) (1) (A), 80 Stat. 937 (49 U.S.C. 1655(g) (1) (A)); 49 CFR 1.46 (c) (1), 33 CFR 1.05-1(c) (2) 136 F.R. 19160.

Dated: April 25, 1972.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.72-6523 Filed 4-27-72;8:48 am]

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 72-WE-18]

CONTROL ZONE

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a temporary control zone at San Luis Obispo, Calif.

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 Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The 162d Mobile Communications Group, California Air National Guard

will hold a summer encampment at San Luis Obispo County Airport beginning August 20 through September 1, 1972. During this period a temporary air traffic control tower will be manned by FAA certificated Air National Guard personnel. In order to enhance safety and provide for the performance of air traffic control services it is proposed to establish a temporary control zone that will be effective during the hours that the control tower will be in operation.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the following control zone is added:

**SAN LUIS OBISPO, CALIF.**

Within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.). This control zone is effective from 0800 to 2000 local time daily August 20 through September 1, 1972.

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 April 18, 1972.

ROBERT O. BLANCHARD,  
Acting Director, Western Region.

[FR Doc. 72-6492 Filed 4-27-72; 8:46 am]

## ENVIRONMENTAL PROTECTION AGENCY

### [ 41 CFR Part 15-16 ] PROCUREMENT FORMS

#### Illustration of Forms

Notice is hereby given that the Environmental Protection Agency proposes a new amendment to 41 CFR Ch. 15, by adding new § 15-16.901-2-A, *General provisions*, under Subpart 15-16.9, *Illustration of Forms*, Part 15-16, *Procurement Forms*, to read as set forth below.

Interested parties may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All communications received within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Room 3220C, Waterside Mall, Washington, D.C. 20460.

Dated: April 24, 1972.

WILLIAM D. RUCKELSHAUS,  
Administrator.

### Subpart 15-16.9—Illustration of Forms

#### § 15-16.901-2A General provisions.

##### GENERAL PROVISIONS

##### FOR USE IN COST-REIMBURSEMENT CONTRACTS WITH PROFIT-MAKING ORGANIZATIONS

1. *Definitions.* As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(b) Except as otherwise provided in this contract, the term "Subcontracts" includes purchase orders under this contract.

(c) The term "EPA" means the Environmental Protection Agency.

2. *Disputes.* (a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish to the Contractor a written copy of his decision. Such decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor appeals therefrom by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Administrator, Environmental Protection Agency. The decision of the Administrator or his duly authorized representative upon such appeal shall be final and conclusive unless the decision is determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

3. *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, specifications, or services, (ii) method of shipment or packing, (iii) place of inspection, delivery, or acceptance, and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of this contract or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (1) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the

Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed;

4. *Termination for default or for convenience of the government.* (a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(1) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of 10 days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(2) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a notice of termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the Contractor was not in default pursuant to (1), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the notice of termination shall be deemed to have been issued under (2) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(b) After receipt of a notice of termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the notice of termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the notice of termination;

(4) Assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(5) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(6) Transfer title to the Government (to the extent that title has not already been transferred) and deliver in the manner, at the times, and to the extent directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination; (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government; and (iii) the jigs, dies, and fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however*, That the Contractor (1) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the notice of termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining or adjusting the amount of the fee, or any item of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Subpart 1-8.1 of the Federal Procurement Regulations (41 CFR 1-8.1), as the definition may be amended from time to time, the Contractor may submit to the Contracting Officer a list certified as to quantity and quality of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or author-

ized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount of amounts to be paid (including an allowance for the fee) to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d), as to the amounts with respect to costs and fee, or as to the amount of the fee, to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(1) If the settlement includes cost and fee—

(i) There shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the notice of termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer: *Provided, however*, That the Contractor shall proceed as rapidly as practicable to discontinue such costs:

(ii) There shall be included therein so far as not included under (1) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract;

(iii) There shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory: *Provided, however*, That if the termination is for default of the Contractor there shall not be included any amounts for the preparation of the Contractor's settlement proposal; and

(iv) There shall be included therein a portion of the fee payable under the contract determined as follows—

(A) In the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of

the fee equivalent to the percentage of the completion of work contemplated by the contract, less fee payments previously made hereunder; or

(B) In the event of the termination of this contract for the default of the Contractor, the total fee payable shall be such proportionate part of the fee (or, if this contract calls for articles of different types, of such part of the fee as is reasonably allocable to the type of article under consideration) as the total number of articles delivered to and accepted by the Government bears to the total number of articles of a like kind called for by this contract.

If the amount determined under this subparagraph (1) is less than the total payment theretofore made to the Contractor, the Contractor shall repay to the Government the excess amount.

(2) If the settlement includes only the fee, the amount thereof will be determined in accordance with subparagraph (1)(iv) above.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (2) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) In the event of a partial termination, the portion of the fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or

disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(j) The provisions of this clause relating to the fee shall be inapplicable if this contract does not provide for payment of a fee.

5. *Printing.* Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the duplication of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, such pages not exceeding a maximum image size of 10% by 14 1/4 inches, will not be deemed to be printing.

6. *Stop Work Order.* (a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90) days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of cost allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) days after a Stop Work Order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either:

(i) Cancel the Stop Work Order, or

(ii) Terminate the work covered by such order as provided in the clause of this contract, entitled "Termination for Default or for Convenience of the Government."

(b) If a Stop Work Order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected, and the contract shall be modified in writing accordingly, if

(i) The Stop Work Order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided, That,* if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a Stop Work Order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the Stop Work Order shall be allowed in arriving at the termination settlement.

7. *Inspection.* The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for

the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

8. *Excusable delays.* Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled "Termination for Default or for Convenience of the Government." (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier. The Contractor shall notify the Government immediately if it is determined that a subcontractor is failing to perform or make reasonable progress under the terms and conditions of the subcontract.)

9. *Subcontracts.* (a) Except as may be otherwise stated in the schedule of this contract, the Contractor shall give a minimum of ten (10) days advance notification to the Contracting Officer of any proposed subcontract hereunder which (1) is a construction contract, (2) is a cost-reimbursement, time and materials or a labor-hour contract, or (3) is a fixed-price contract and exceeds the dollar amount of \$25,000 or five percent (5%) of the total estimated cost of this contract, (4) has experimental, developmental, or research work as one of its purposes. This information shall include but not be limited to the following:

(i) A description of the supplies or services to be called for by the contract, including a copy of the draft document;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract, to be obtained from the subcontractor; and

(v) Identification of the type of contract to be used.

(b) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above, and prior to placing any subcontract which provides for the fabrication, purchase, rental, installation, or other acquisition, of any facilities, equipment, or special tooling having a dollar value in excess of \$1,000. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(e) The Contractor shall, in accordance with the clause entitled "Litigation and Claims," give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(f) Except as otherwise stated in the schedule of this contract and notwithstanding (b) above, the Contractor may enter into subcontracts within (2) and (3) of (a) above, or, if the subcontract is for facilities, equipment, or for special tooling, without the prior written consent of the Contracting Officer if the Contracting Officer has in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

10. *Competition in subcontracting.* (The following clause is applicable if the amount of this contract exceeds \$2,500.)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

11. *Government Property.* (a) *Government-Furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contracting Officer, make a determination of the delay, if any, occasioned by the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any

such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative,) shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

(d) *Property Administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors" supplied by the Government. While the Contractor is responsible for the Government property (Government furnished and Contractor acquired), the Government will maintain the official accountability records.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance of Government Property.* The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) hereof; or

(B) To establish, maintain, and administer, in accordance with (d) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to

transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

(1) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of General overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of Contractor's Premises and Abandonment.* Unless otherwise provided herein, the Government:

(1) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j) (1) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

12. *Key Personnel.* The personnel specified in the schedule of this contract are considered to be essential to the work being performed hereunder. If these individuals are unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer and shall submit justifications (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the program. Prior to substitution of key personnel, the Contractor shall obtain the written consent of the Contracting Officer as to the acceptability of the succeeding personnel; provided that the Contracting Officer may ratify in writing such substitution and such ratification shall constitute the consent of the Contracting Officer required by this clause.

13. *Overtime.* (a) Allowable cost shall not include any amount on account of overtime premiums except when (i) specified in (c) below or (ii) paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(c) The Contractor is authorized to perform overtime, in addition to that performed under (a) (ii), to the extent that the overtime does not exceed the amount set forth in the schedule.

(d) Any request for overtime, in addition to any amount specified in (c) above, which can be estimated with reasonable certainty to be required for the remainder of the contract shall contain the following:

(i) Identification of the work unit, such as the department or section in which the requested overtime will be used, together with present workload, manning and other data of the affected unit, sufficient to permit an evaluation by the Contracting Officer of the necessity for the overtime;

(ii) The effect that denial of the request will have on the delivery or performance schedule of the contract;

(iii) Reasons why the required work cannot be performed on the basis of utilizing multishift operations or by the employment of additional personnel; and

(iv) The extent to which approval of overtime would affect the performance of payments in connection with any other Government contracts, together with any identification of such affected contracts.

14. *Foreign travel.* Unless otherwise provided in this contract, foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause, "foreign travel" means travel outside the United States, its territories and possessions, and Canada.

15. *Services of consultants.* Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract.

Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

16. *Insurance.* (a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including that required by Subpart 1-10.5 of the Federal Procurement Regulation as of the date of execution of this contract, and such insurance as the Contracting Officer prescribes by written direction.

(b) At a minimum, the Contractor shall procure and maintain the following types and amounts of insurance:

(1) Workmen's compensation and occupational disease insurance in amounts sufficient to satisfy State law.

(2) Employer's liability insurance, where available.

(3) Public liability insurance, on the comprehensive form of policy, in the amount of \$200,000 per claimant and \$500,000 per incident.

(c) With respect to any insurance policy all or part of the premiums of which the Contractor proposes to treat as a direct cost under this contract, and with respect to any

proposed qualified program of self-insurance, the written approval of the Contracting Officer shall be obtained prior to any claim for payment therefor.

(d) The terms of any other insurance policy held by Contractor shall be submitted to the Contracting Officer for review and/or approval upon request of the Contracting Officer.

17. *Litigation and claims.* The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which may be allowable under the clause entitled, "Allowable Cost, Fixed Fee and Payment." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy or insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action to the extent that the Contractor would have been compensated by insurance which was required by law, regulation, by this contract, or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

18. *Notice to the Government of delays.* (a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

19. *Allowable cost, fixed fee, and payment.* (a) For the performance of this contract, the Government shall pay to the Contractor—

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Subpart 1-15.2 of the Federal Procurement Regulations as in effect on the date of this contract, and

(B) The terms of this contract; and

(i) Such fixed fee, if any, as may be provided in the schedule.

(b) Payments, as approved by the Contracting Officer, will be made to the Contractor monthly, subject to the conditions in subparagraph (d) below, upon (1) submission to an authorized representative of the Contracting Officer of an invoice or voucher, supported by an itemized statement of costs claimed to have been incurred by the Contractor in the performance of the contract during the period covered by the invoice or voucher and (2) receipt and approval by the Contracting Officer of a progress report covering work performed during the period, or certification by the Contracting Officer that the amount for which payment is approved does not exceed the value of the written and graphic technological data and materials generated in the performance of the contract during the period covered by the invoice or voucher, and that title thereto has passed to and vested in the Government under the terms hereof.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the schedule: *Provided, however*, That after payment of eighty-five percent (85%) of the fixed fee set forth in the schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or fifteen thousand dollars (\$15,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) A "completion invoice" or "completion voucher" shall be submitted

(i) Upon the physical completion of all performance provisions and

(ii) When all costs applicable to the contract have been incurred.

The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. Upon the completion of the final audit and the receipt of a "final invoice" or "final voucher," the Government shall promptly pay to the Contractor any balance of allowable costs, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when

approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract subject only to the following exceptions—

(A) Specified claims in stated amounts, or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract, provided, that such claims are not known to the Contractor on the date of execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable costs under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

20. *Limitation of cost.* (a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the schedule, and the Contractor agrees to use his best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract, exclusive of any fee, will be greater or substantially less than the then estimated cost, hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception of this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the

termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) If (1) the Contractor stops performance before completion of all work hereunder because it has incurred costs in the amount of or in excess of the estimated cost set forth in the contract, and (2) the Contracting Officer elects not to increase such estimated costs, the Contractor's fixed-fee will be equitably reduced to reflect the actual amount of work performed as compared with the full amount of the work required in the contract. In the event of failure to agree as to the amount of such reduction, the Contracting Officer shall determine the amount, subject to the right of the Contractor to appeal therefrom pursuant to the clause in the contract entitled "Disputes." This paragraph shall not, in any way, limit the rights of the Government under the clause in the contract entitled "Termination for Default or for the Convenience of the Government."

(d) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

21. *Limitation on withholding of payments.* If more than one clause or schedule provision of this contract authorized the temporary withholding of amounts otherwise payable to the Contractor for work performed under this contract, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or schedule provision at that time: *Provided*, That this limitation shall not apply to:

(a) Withholdings pursuant to any clause relating to wages or hours of employees;

(b) Withholdings not specifically provided for by this contract; and

(c) The recovery of overpayments.

22. *Interest.* Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor

of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

23. *Audit and records.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds \$100,000.)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives. In addition, for purposes of verifying the cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000, was accurate, complete, and current, the Contracting Officer or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (1) or (ii) below.

(1) If this contract is completely or partially terminated the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract or (C) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The Contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(2) The Contractor shall insert the substance of the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into

exceeds \$100,000, except those subcontracts covered by subparagraph (3) below:

#### AUDIT

(a) For purposes of verifying the certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000, was accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The subcontractor agrees to insert this clause including this paragraph (b), in all subcontracts hereunder which when entered into exceed \$100,000, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds \$100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

#### AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract, which involves a price adjustment in excess of \$100,000, unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract must result from a change or other modification (1) to the Government prime contract, or (2) authorized under the provisions of the Government prime contract.

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representative, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert the substance of this clause including this paragraph (c) in all subcontracts hereunder which when entered into exceed \$100,000.

24. *Examination of records by Comptroller General.* (a) This clause is applicable if the amount of this contract exceeds \$2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500, and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

25. *Price reduction for defective cost or pricing data.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds \$100,000.)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

NOTE—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

26. *Subcontractor cost and pricing data.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds \$100,000.)

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, change or other modification, the price of which is expected to exceed \$100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed \$100,000 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor in the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds \$100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds \$100,000, the Contractor shall insert the substance of the following clause:

**SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS**

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of \$100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed \$100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed \$100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds \$100,000.

27. *Pricing of adjustments.* When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with Part 1-15 of the Federal Procurement Regulations as in effect as of the date of this contract.

28. *Negotiated overhead rates.* (a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than 90 days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal. In the event the Contractor has more than one contract with EPA, only one submittal shall be required with respect to each applicable rate.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (b) of the clause of this contract entitled "Allowable Cost and Fixed Fee and Payment."

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively, (1) provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision or negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Nothing in this clause shall preclude the Contracting Officer from negotiating final overhead rates applicable to this contract, for any period, for the purpose of contract close-out, provided that (i) the negotiated amount of overhead costs applicable hereto does not exceed \$200,000 for any 1 fiscal year; (ii) there is agreement between the Government and the Contractor that there will be no adjustment against other Government contracts for over or under recovery under this contract disclosed through a subsequent, regular final overhead rate negotiation or determination; and (iii) this contract is appropriately modified to reflect the finality of this negotiation and the fact that other contracts shall not be affected by any over or under recovery resulting therefrom.

29. *Assignment of claims.*—(a) Pursuant to the provisions of the Assignment of Claims

Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating \$1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

30. *Utilization of small business concerns.* (The following clause is applicable if this contract exceeds \$5,000.)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for the supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

31. *Utilization of labor surplus area concerns.* (The following clause is applicable if this contract exceeds \$5,000.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (i) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are non-certified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified-eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second preference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

32. *Utilization of minority business enterprises.* (The following clause is applicable if the amount of this contract is \$5,000 or over.)

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

33. *Equal opportunity.* (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR Ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection of training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's non-compliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or sus-

pending, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraph (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or Vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter such litigation to protect the interests of the United States.

34. *Contractor and subcontractor listing requirement.* (The following clause is applicable if the amount of this contract is \$10,000 or over or where 400 man-days of effort will be involved.)

(a) As provided by 41 CFR Part 50-250, the Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by the contract, and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for a listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment opening and hires as may be required: *Provided*, That this provision shall not apply to openings which the Contractor fills from within the Contractor's organization and that the listing of employment openings shall involve only the normal obligations which attach to the placing of job orders.

(b) The Contractor agrees further to place the above provision in any subcontract directly under this contract.

35. *Walsh-Healey Public Contracts Act.* If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed \$10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

36. *Contract Work Hours and Safety Standards Act—overtime compensation* (40 U.S.C. 327-333). This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or

mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

37. *Convict labor.* In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

38. *Buy American Act.* (a) In acquiring end products, the Buy American Act (41 U.S.C. 10a-d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(1) "Components" mean those articles, materials, and supplies which are directly incorporated in the end products;

(2) "End products" mean those articles, materials, and supplies which are to be acquired under this contract for public use; and

(3) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (3) (B), components of foreign origin of the same type or kind as the products referred to in (b) (2) or (3) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(1) Which are for use outside the United States;

(2) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) As to which the Administrator determines the domestic preference to be inconsistent with the public interest; or

(4) As to which the Administrator determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

39. *Officials not to benefit.* No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

40. *Covenant against contingent fees.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

41. *Gratuities.* (a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, (to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: *Provided*, That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than 10 times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

42. *Patents and inventions.* The clause published in the FEDERAL REGISTER dated February 19, 1972, with corrections published in the FEDERAL REGISTER dated February 26, 1972, and possible further additions or changes, will be included.

43. *Authorization and consent.* The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance

of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

44. *Rights in data.* (a) *Definitions:*  
 (1) The term "technical data" as used herein includes writings, sound recordings, magnetic recordings, pictorial reproductions, drawings, or other graphical representations, data processing or computer programs, and works of any similar nature, whether or not copyrighted, which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Limited rights" means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture, or (c) used by a party other than the Government, except for:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above.

(3) "Unlimited rights" means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) *Government rights:*

(1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications, or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense.

(iii) Technical data constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components, or processes which was prepared for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit, and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared for installation, operation, maintenance, or training purposes;

(vi) Other technical data which has been, or is normally furnished without restriction by the Contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the schedule of this contract, which the parties have predetermined, on the basis of subparagraphs

(1) thru (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in technical data, listed or described in an agreement incorporated into the schedule of this contract, which the parties have agreed will be furnished with limited rights provided that each piece of data to which limited rights are to be asserted is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the Contractor or subcontractor by whom the technical data was generated:

This technical data, furnished under United States Government Contract No. \_\_\_\_\_, shall not, without the written permission of \_\_\_\_\_, be either (a) used, released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or (c) used by a party other than the Government, except for: (i) emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work provided that the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b) (2) shall not impair the right of the Government to use similar or identical data if such data is or becomes a part of the public domain or public knowledge by publication or otherwise, or is acquired by the Government from other sources. In preparation of the final report (if required under the contract), any and all technical data in which the Government has limited rights as set forth in (b) (2) above, shall be submitted under separate cover with the final report and marked with the legend set forth above. However, the final report shall include a complete disclosure of all materials, processes, and equipment employed in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances to enable any person skilled in the art to comprehend the results of the work performed under the contract.

(c) *Material covered by copyright:*

(1) Notwithstanding the provisions of (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No copyrighted matter shall be included in technical data furnished hereunder without the written approval of the Contracting Officer unless there has been obtained the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (c) (1) above.

(3) The Contractor shall report to the Government (or higher-tier Contractor)

promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) Except for those items set forth in (b) (2) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

(e) Relation to Patents: Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Right to Publish: The Contractor agrees that he will not publish, have published, or otherwise disseminate any information of whatever nature resulting from the work being performed under this contract except as may be approved by the Project Officer.

(g) Acquisition of Data from Subcontractors:

(1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontract data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher-tier Contractor. However, when there is a requirement in the prime contract, or in any deferred order, for data which may be supplied with limited rights pursuant to (b) (2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher-tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

45. *Data requirements.* (a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within 1 year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items or equipment of the general type and character of the items or equipment furnished under this contract or a set of flowsheets and engineering drawings which will be sufficient to enable performance of any process developed with this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flowsheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, prac-

tice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that an equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Technical Data" within the meaning of the clause of the General Provisions of this contract entitled "Rights in Data."

(c) Nothing contained in this "Data Requirements" clause shall require the Contractor to deliver data previously developed by parties other than the Contractor, independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the name. If any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" clause shall be of a type and prepared in accordance with good commercial practice.

(e) In the event the Contracting Officer requests the delivery of data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a) (1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the data requested under (a) above, but only to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Officer made under (a) above, within 1 year following final payment: *Provided*, That suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have been excluded from the price (or estimated cost and fixed fee) of the contract. Any ad-

justment or payment under this paragraph (e) shall not include any amount for the value of the data, as distinguished from the costs set forth above.

46. *Notice and assistance regarding patent and copyright infringement.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds \$10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

47. *Economic stabilization.* (a) By the execution of this contract, the Contractor certifies that he is in complete compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted the following certification:

"I hereby certify that amounts involved herein do not exceed the maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971."

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.72-6455 Filed 4-27-72; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 1, 2, 21, 43 ]

[ Docket No. 19493; FCC 72-360 ]

### COMMON CARRIER RADIO STATIONS IN MULTIPOINT DISTRIBUTION SERVICE

#### Proposed Licensing and Regulation

In the matter of amendment of Parts 1, 2, 21, and 43 of the Commission's rules and regulations to provide for licensing and regulation of common carrier radio stations in the Multipoint Distribution Service.

1. The Commission's rules make provision for common carrier use of the band 2150-2160 MHz to provide a nonbroadcast omnidirectional service. Little use has been made of the band for a number of years, but within the last year, subsequent to our action which removed a 3.5 MHz bandwidth limitation formerly imposed by the rules,<sup>1</sup> there have been a number of applications filed proposing

such service. These applications, in essence, propose to provide a relay service for closed circuit television from a central location to a multiplicity of points as desired by the customer. The applicants in general see a need for such service to provide for relay of instructional and training television to schools, industry, municipal government, and for other miscellaneous uses such as the coverage of business, industry, or medical conventions.

2. The common carrier rules pertaining to such service are now contained only in the frequency allocation and bandwidth limitation provisions of Part 21, Subpart I, the Point-to-Point Microwave Radio Service. Clearly, the requirements of an omnidirectional service differ substantially from those of a fixed point-to-point service. Accordingly, it is proposed herein to establish new rules for this service, to be called the Multipoint Distribution Service, as set forth in the Appendix hereto. The Commission believes that the rules proposed are largely self-explanatory and need no detailed remarks. However, the following comment is provided on several aspects.

3. The most important matter concerns potential congestion. Despite the history of virtual nonuse of the band, we are now faced with a demand for frequencies far in excess of the supply. As of March 31, 1972, 148 common carrier applications have been filed, with multiple filings in 93 cities. Moreover, the band is shared with private users, and in another proceeding the Commission has proposed to permit shared use with Aural Broadcast STL operations.<sup>1</sup> When such potential use is considered in context with the current bandwidth requirement of 6 MHz for the transmission of a television signal, it is rather clear that there is a problem. Even in those cities where existing applicants and STL needs can be satisfied, there is no potential for future growth. If this common carrier service proves successful and meets a real public need, the demand in many of the larger cities is likely to outstrip the capacity of a one-channel system.

4. Therefore, provision is being made for a second television channel to accommodate the existing or potential demand by permitting sideband overlap into the next higher band between 2160 and 2162 MHz. Such frequencies are part of the 2 GHz point to point microwave allocations (2110-2130 and 2160-2180 MHz) which are limited to narrow band common carrier communications. These bands, thus far, have received light use in larger cities since they have been used primarily for low capacity telephone routes in essentially rural areas. In conjunction with the joint proceeding in Docket Nos. 19180 and 19494, issued simultaneously herewith, it is also proposed to allocate the use of frequencies 2110-2113 MHz, which

frequencies are generally paired by carriers with 2160-2163 MHz for duplex public message communications, for STL use. Under this proposal applicants in this service and for Aural Broadcast STL facilities would be permitted to utilize frequencies 2160-2162 MHz<sup>2</sup> and 2110-2113 MHz, respectively, in the specified metropolitan areas.<sup>3</sup> New assignments of these frequencies in the same metropolitan areas for common carrier point-to-point use would be limited to those carriers that could show no reasonable alternatives. For details of the 2110-2113 MHz proposal, see the notice in Docket Nos. 19130 and 19494, and § 21.501(e) below. See footnote 2 to §§ 21.701(a) and 21.901 below for the 2160-2162 MHz details.

5. Notwithstanding efforts to provide for potential growth, omnidirectional assignments must be made with exceptional care if maximum utilization is to be obtained. Consideration has been given to requiring the submission of calculated service area contours, but that approach has been rejected as too involved and time consuming for both the applicant and the Commission. Basically, it is tentatively decided to control potential interference problems by limiting the transmitting power (in terms of effective radiated power) and requiring the submission of an engineering showing of possible electrical impact on any other existing or proposed station within 50 miles that operates or proposes operation on the same frequency. Furthermore, in order to protect the use of these frequencies in areas of likely future development, applicants would be required to make the same showing of possible impact to be made if the proposed transmitter would be located within 50 miles of one of the top 50 metropolitan areas.

6. In the context of potential congestion in this band, it is noted that many common carrier applicants have proposed to use two channels (one 6 MHz and one 3.5 MHz wide) which would occupy

<sup>1</sup> This contemplates television channel assignments at 2150-2156 and 2156-2162 MHz, which of course provides for no guard band. If comments to this proposed rule making supply engineering data which show that a modest guard band (not exceeding 1 MHz) would be of substantial benefit, the restriction could possibly be extended to 2163 MHz. Also, the possibility of modified technical standards may be commented upon where such modifications could eliminate or alleviate possible adjacent or co-channel interference. In this regard consideration should be given to the possible establishment of receiver technical specifications, e.g. minimum selectivity requirements.

<sup>2</sup> The applicable metropolitan areas are identified in item 7(c) of the Appendix. Comments with respect to the proposed limitations in the 2110-2113 MHz band should be submitted in connection with Docket No. 19494. Also, it is noted that the use of frequencies 2110-2113 MHz would continue to be subject to coordination with satellite earth stations transmitting in the 2110-2120 MHz band. Such stations operate only at Goldstone, Calif., Kauai, Hawaii, and Guam, and they are not expected to cause problems to the use of the frequencies in major metropolitan areas. See §§ 2.106 (US90) and 21.706 (c) and (d).

virtually the entire band. In view of the shared use of the band, the possibility of adding a second television channel and the untested requirements for this type of service, it does not appear that one applicant should be authorized 10 MHz at this time. Therefore, as a matter of policy the Commission does not propose to initially authorize any one user more than one 6 MHz channel in a given area. Once a carrier has operational experience in this service and can show a definite need for additional facilities, an application for a second channel will be considered where no service conflict exists, consistent, of course, with any subsequent decision we may reach with regard to shared use of the band with other services.

7. Most proposals now before the Commission propose that the transmitter be located at a permanent location. However, at least two applicants propose a temporary fixed operation. This does offer one obvious advantage for the carrier: It eliminates the problem of getting the program material to the carrier's transmitting location, as the carrier can relocate the station to the site most convenient to the subscriber.<sup>4</sup> Of course, there is a major disadvantage in using temporary fixed facilities in this service: The potential and varying impact on other facilities. If an omnidirectional transmitter can be located at any number of sites in a given city, it may be difficult or impossible to intelligently plan co-channel use in another city unless it is a substantial distance away.

8. Accordingly, the Commission does not, as a regular practice, propose to authorize temporary fixed facilities in this service. However, there may be circumstances or areas where such facilities would not be likely to impede co-channel usage in adjacent communities. Therefore, it is proposed that applications for temporary fixed authorization would be considered where it can be shown that substantial public benefit (as compared to a station at a permanent location) is offered and that there are no cities of 100,000 or more population within 50 miles. Where such facilities are authorized it is anticipated that the operational area of the station would be restricted to the smallest area practicable for providing reasonable service to the community. Temporary fixed stations must, of course, operate to avoid interference to other

<sup>4</sup> In the case of a station at a permanent location provision must be made to get the subscriber's programing to the carrier's transmitter. This could be done with a local link provided by the telephone company or possibly a CATV system, or through temporary fixed or mobile microwave facilities. If the program material is on tape, there would apparently be little interconnection problem since the tape could be run at the transmitting site. Another possibility would involve the subscriber's use of a studio provided by the carrier. However, in such circumstances a carrier must be careful not to become involved in any substantial way in the production of the programing or else his eligibility as a common carrier will be jeopardized.

<sup>1</sup> See Memorandum Opinion and Order regarding § 21.703(g), released July 31, 1970 (FCC 70-819).

<sup>2</sup> See notice of proposed rule making in Docket No. 19130, released January 25, 1971, FCC 71-56, 36 FR 1425.

authorized stations at permanent locations; however, the Commission does not propose to authorize in this service any two stations, whether permanent or temporary fixed, to operate in the same area on the same channel.<sup>6</sup>

9. One other matter deserving comment concerns the receiving facilities. A number of the pending applications make no mention of the operation of receiving equipment. Common carriers utilizing microwave radio have traditionally controlled their receiving as well as transmitting facilities. Two reasons for this, which would appear to be equally applicable to this service, are to insure an adequate quality of service on an end-to-end basis and to help preserve the privacy of the transmitted intelligence. From a practical standpoint the carrier should be in a better position than the customer to install and maintain the proper receiving equipment<sup>7</sup> necessary to good reception without harmful interference. Where the carrier anticipates that the service to be rendered to a given customer does not warrant installation of a permanent receiving facility, he may be allowed to utilize a number of portable receiving units which may be relocated once service is completed. Accordingly, it is tentatively concluded that the operation of the receiving facilities in this service should be limited to the carrier.

10. The future development of this service is not entirely clear at this time. The various uses as projected by the applicants appear to be limited to instructional and business closed circuit television. While we do not anticipate that these facilities would be used to reach a mass market for closed circuit entertainment programming, a substantial entertainment market would appear to be possible. For example, an entrepreneur could arrange through the carrier to have programming (e.g., sports or movies) distributed for several hours a day or week to a number of hotels in a city, or in several cities if inter-city connections were provided. While such arrangements would not be likely to reach the mass audiences anticipated in connection with subscription television or cablecasting, the audience could be substantial nonetheless. Therefore, we raise the question whether some antisiphoning rules similar to those adopted in our "Report and Order" in Docket No. 18893, released March 29, 1972 (FCC 72-263), would be

<sup>6</sup>Where an application for a temporary fixed station has been filed prior to the release date of this document and where the applicant cannot qualify for temporary fixed authorization under these newly proposed restrictions, he may amend his application to propose a regular fixed station without losing any mutually exclusive rights he may have already acquired if such amendment does not create new conflicts.

<sup>7</sup>The receiving equipment, at minimum, includes a directional antenna (which must be accurately located and oriented) and a receiver which converts the microwave frequency received to a lower frequency that is compatible with ordinary television receivers.

appropriate. We solicit comments on this question, including whether and to what degree this service is likely to develop into a device for serving substantial entertainment audiences. It is appropriate to note that other types of common carrier facilities, e.g., point-to-point microwave and cable, are also used for closed circuit television distribution. Therefore, it is possible that the Commission may want to consider the matter in a broader context than this proceeding.

11. Pending the final decision in this proceeding the Commission will process applications on file in normal order. Those that are consistent with the rules proposed herein will be acted upon. Action on applications which are mutually exclusive or inconsistent with the proposed rules will not be taken prior to finalization of this proceeding.<sup>8</sup>

12. Authority for this proposed rule making is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before July 5, 1972, and reply comments on or before August 7, 1972. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 19, 1972.

Released: April 26, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION<sup>9</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

It is proposed to amend Parts 1, 2, 21, and 43 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

1. In § 1.1113 of the following fee schedule is added to follow the schedule for the Local Television Transmission Service:

§ 1.1113 Schedule of fees for Common Carrier Services.

<sup>8</sup>If the rules are amended to provide for a second television channel as proposed, it is anticipated that mutually exclusive situations involving only two applicants can be resolved by the later filing applicant amending his proposal to specify the second channel. No applications proposing use of the second television channel will be accepted for filing pending finalization of the rules.

<sup>9</sup>Commissioner Bartley dissenting and issuing a statement which is filed as part of the original document; Commissioners Johnson and H. Rex Lee absent; Commissioner Wiley concurring in the result.

	Filing fee	Grant fee
Multipoint distribution service:		
Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies.....	\$100	\$150
Application for other modification of construction permit or license.....	25	25
Application for renewal of license.....	25	100

§ 2.106 [Amended]

2. In § 2.106 add new footnote NG, and reference it to the band 2160-2180 MHz in the table (FCC column). The text of footnote NG is to read as follows:

NG: Frequencies in the band 2160-2182 MHz are shared between directional and omnidirectional stations as provided for in § 21.901 of this chapter.

3. In § 21.1 the following definition is added in appropriate alphabetical order:

§ 21.1 Definitions.

*Television transmitter peak power.* The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks when transmitting a specified television signal. The aural power as specified is not included.

4. In § 21.35 amend paragraph (a) to read as follows:

§ 21.35 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, Local Television Transmission and Multipoint Distribution Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered except that licenses for developmental stations will be issued for a period not to exceed 1 year. Unless otherwise specified by the Commission, the expiration of regular licenses shall be on the following dates in the year of expiration:

Domestic Public Land Mobile Radio Service (miscellaneous carriers), April 1;  
Domestic Public Land Mobile Radio Service (telephone carriers), July 1;  
Domestic Public Land Mobile Radio Service (all authorizations pursuant to § 21.521), September 1;  
Rural Radio Service, November 1;  
Point to Point Microwave Radio Service, February 1;  
Local Television Transmission Service, February 1;  
Multipoint Distribution Service, May 1.

The expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of

the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

§ 21.107 [Amended]

5. In § 21.107(b) add the following to footnote 2:

Also, see Subpart K for exception in the band 2,150-2,162 MHz.

6. In § 21.501 amend paragraph (e) to read as follows:

§ 21.501 Frequencies.

(e) On a shared basis with fixed stations in the Point-to-Point Microwave Radio Service, frequencies in the bands 2110-2130 MHz and 2160-2180 MHz may be authorized for use by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service on the condition that the emission bandwidth is limited to the minimum necessary to serve the purpose required: *Provided, however,* no new assignments will be made in the band 2160-2162 MHz for stations located within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States"), of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, except upon a showing that no alternative frequencies are available. Similarly, no new assignments in the band 2110-2113 MHz will be made within 50 miles of the coordinates of: Albany, N.Y.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Houston, Tex.; Los Angeles, Calif.; New York, N.Y.; Salt Lake City, Utah; San Francisco, Calif.; or San Juan, P.R., except upon a showing that no alternative frequencies are available; provided, however, all common carrier assignments in said areas are subject to the condition that no interference be caused to Aural Broadcast STL Stations. Channel bandwidths in excess of 800 kHz will not be authorized. In each of these bands, the highest frequency which will not cause harmful interference to any other station shall be assigned.

§ 21.701 [Amended]

7. § 21.701(a) is revised as follows:  
a. 2,150-2,160 MHz is deleted from table.

b. Footnote 1 is revised to read:

Frequencies in the band are shared with control and repeater stations in the Domestic Public Land Mobile Radio Service and with stations in the International Fixed Public Radio Communication Services in part of Florida and in U.S. possessions in the Caribbean area. Additionally, 2,110-2,113 MHz and 2,160-2,162 MHz are shared with Aural Broadcast STL stations and stations in the Multipoint Distribution Service, respectively.

c. Footnote 2 is revised to read:

No new assignments will be made in the band 2160-2162 MHz for stations located

within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States") of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, except upon a showing that no alternative frequencies are available. Similarly, no new assignments in the band 2110-2113 MHz will be made within 50 miles of the coordinates of: Albany, N.Y.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Houston, Tex.; Los Angeles, Calif.; New York, N.Y.; Salt Lake City, Utah; San Francisco, Calif.; or San Juan, P.R., except upon a showing that no alternative frequencies are available; *Provided, however,* All common carrier assignments in said areas are subject to the condition that no interference be caused to Aural Broadcast STL Stations.

d. Footnote 2 is referenced to the frequency bands 2110-2130 MHz and 2160-2180 MHz in the table.

§ 21.703 [Amended]

8. § 21.703(g) is revised to delete reference to the frequency band 2150-2160 MHz.

9. The following new Subpart K is added to Part 21.

Subpart K—Multipoint Distribution Service

§ 21.900 Eligibility.

Authorizations for stations in this service will be granted to existing and proposed communications common carriers. Applications will be granted only in cases where it can be shown that: (a) The applicant is legally, financially, technically, and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, and necessity would be served by a grant thereof. The applicant (including any affiliated company) shall not, to any substantial degree, be involved in the organization or production of any program material which would be transmitted over the proposed facilities. In addition, the applicant shall submit a statement indicating whether there is any affiliation or relationship to any intended or likely subscriber or program originator. An applicant will not be eligible for authorization in this service unless it can be shown with reasonable certainty that at least 50 percent of the service rendered will be to subscribers who are not affiliated or related to the applicant.

§ 21.901 Frequencies.

Frequencies in the band 2150-2160 MHz are available for assignment to fixed stations in the Multipoint Distribution Service. Frequencies in this band may be shared with nonbroadcast omnidirectional radio systems which are licensed under other part of the Commission's rules. The primary channel for television transmission shall be 2150-2156 MHz. Applications for assignments of 4 MHz bandwidth or less shall be made between 2156-2160 MHz. A secondary television channel may be authorized at 2156-2162 MHz within one of the top 50 standard metropolitan statistical areas

as ranked by the U.S. Census Bureau when the primary channel at 2150-2156 MHz is unavailable, upon a showing that said operation is not likely to interfere with the operation of the primary channel and any existing licensees in the band 2160-2162 MHz.

§ 21.902 Interference.

(a) Since the band authorized for this service is limited and is shared with other services, exceptional efforts must be made to avoid possible harmful interference to other users and to avoid blocking potential use of the band in other cities. In areas where major cities are in close proximity, careful consideration should be given to minimum power requirements and to the location and height of the antenna and its radiation patterns.

(b) Where a transmitting antenna is proposed to be located within 50 miles of the transmitting antenna of an authorized station or another proposed station in a prior filed application which station(s) utilize or would utilize the same frequency or an adjacent potentially interfering frequency, a showing shall be included with the application analyzing the potential for harmful electrical interference with said station(s). Also, if a transmitting antenna is proposed to be located within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States") of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, a showing shall be submitted with the application analyzing possible frequency impact on the future development of a similar station in that city on the same, or a potentially interfering, frequency. For purposes of analysis, it may be assumed that a transmitting antenna would be located at the principal city coordinates. If the proposed transmitting antenna is not within 50 miles of an authorized cochannel station, an earlier proposed cochannel station, or a top 50 metropolitan area, a statement to that effect should be included in the application.

(c) Existing licensees and prospective applicants are expected to cooperate fully in attempting to resolve problems of potential electrical interference before bringing the matter to the attention of the Commission.

§ 21.903 Purpose and permissible service.

(a) Multipoint distribution stations are intended to provide, by means of omnidirectional transmission, communications from a single fixed location to a multiplicity of fixed points. Stations in this service may render any kind of service, consistent with the purpose and requirements of the rules, provided for in the legally applicable tariff of the carrier, unless otherwise directed or conditioned in the applicable instrument of authorization.

(b) The service offered shall include the transmission of the signal provided by the subscriber to multiple receiving

facilities located at points designated by the subscriber. The carrier shall control and operate all receiving facilities, including equipment necessary to convert the signal to a standard television channel.

#### § 21.904 Transmitter power.

(a) The transmitter power of the station shall be limited to that necessary to adequately serve the area of intended operation.

(b) For television transmission, the peak effective radiated power of the visual signal shall not exceed 100 watts and the peak effective radiated power of the accompanying aural signal shall not be more than 20 percent nor less than 10 percent of the peak effective radiated power of the visual signal, except as permitted pursuant to § 21.907(b).

(c) The effective radiated power of any other signals authorized in this service shall not exceed 100 watts.

(d) Operating power shall not exceed the authorized power by more than 10 percent at any time.

#### § 21.905 Emissions and bandwidth.

(a) A station in this service transmitting a television signal will normally employ vestigial sideband, amplitude modulation (A5C) for the visual signal and frequency modulation (F3) for the accompanying aural signal.

(b) The maximum bandwidth authorized in this service for television transmission (visual signal plus accompanying aural signal) shall be 6 MHz.

(c) For purposes other than television transmission, types of emission other than those specified in paragraph (a) of this section may be authorized upon an adequate showing of need therefor. An applicant requesting such authorization shall fully describe the modulation, emission, and bandwidth desired and shall specify the bandwidth to be occupied. The bandwidth shall be no wider than that needed to provide the intended service.

#### § 21.906 Antennas.

(a) Transmitting antennas shall be omnidirectional except that a directive antenna with a main beam sufficiently broad to provide adequate community service may be used to avoid possible interference to other users in this frequency band. Directive receiving antennas shall be used at all points.

(b) The transmitting antenna should be elevated no higher than necessary to provide reasonable service to the community. The use of elevated receiving antennas is preferable to the use of elevated transmitting antennas or greater power to provide the desired service.

(c) Where receiving antennas are to be proposed to be placed at a number of temporary fixed locations, the number of such locations shall be specified in the application and a sketch provided showing details of a typical installation. (See § 21.114 for restrictions on the location of temporary fixed antennas.)

(d) The use of horizontal or vertical plane wave polarization or right hand

or left hand rotating (circular) polarization may be used to minimize the hazard of harmful interference between systems.

#### § 21.907 Television transmission standards.

(a) VHF transmission standards set forth in § 73.682(a) of this chapter shall apply to stations in this service transmitting television signals except that the requirement of § 21.906(d) shall replace that of § 73.682(a)(14) of this chapter.

(b) As an exception to paragraph (a) of this section for authorizations in which the authorized bandwidth does not exceed 4.0 MHz for the visual and accompanying aural signal, the requirements of § 73.682(a) (1), (2), (3), (4), (5), (9), (19), and (20) of this chapter shall not apply. Additionally, the effective radiated power of the aural signal may be less than 10 percent of the effective radiated power of the visual signal.

(c) As a further exception to the requirements of paragraphs (a) and (b) of this section, the transmission standards may vary from those specified therein to the extent that such variations result from reversal of the positions of the visual and aural carriers and all transmitted components of the signals in the authorized radio frequency channel, i.e., from positioning the visual carrier 1.25 MHz below the upper boundary of the channel and the aural center frequency 4.5 MHz below the visual carrier frequency, and transmitting an attenuated upper, rather than lower, sideband of the visual signal.

#### § 21.908 Television transmitting equipment.

(a) Except as otherwise provided in this section, the requirements of paragraphs (a), (b), (c), (d), (e), and (i) of § 73.687 of this chapter shall apply to stations in this service transmitting television signals.

(b) The provisions of § 21.101 shall apply with respect to the frequency tolerance for the visual carrier in lieu of § 73.687(c) (1) of this chapter except for the frequency of the aural carrier which shall be maintained in accordance with § 73.687(c) (1) of this chapter.

(c) The requirements of § 73.687(c) (2) of this chapter will be considered to be satisfied insofar as measurements of operating power are concerned if the transmitter is equipped with instruments for determining the combined visual and aural operating power. However, licensees are expected to maintain the operating powers within the limits specified in § 21.904. Measurements of the separate visual and aural operating powers should be made at sufficiently frequent intervals to insure compliance with the rules and in no event less than once a month.

(d) Transmitting equipment designed for stations whose authorized bandwidth is 4.0 MHz or less for the visual and accompanying aural signal is subject to the provisions of § 21.101 with respect to the frequency tolerance of the visual and

aural carriers in lieu of paragraph (b) of this section. Such equipment also is subject to paragraphs (a) and (c), of this section, except that the provisions of § 73.687 (a), (b), and (c) (1) of this chapter shall not apply.

(e) As a further exception to the other requirements specified in this section, transmitting equipment characteristics may vary from these requirements to the extent that such variations result from reversal of the positions of the visual and aural carriers and all transmitted components of the signals in the authorized radio frequency channel, i.e., from positioning the visual carrier 1.25 MHz below the upper boundary of the channel and the aural center frequency 4.5 MHz below the visual carrier frequency, and transmitting an attenuated upper, rather than lower, sideband of the visual signal.

#### § 21.909 Stations at temporary fixed locations.

(a) An application for a temporary fixed station shall clearly and precisely define the intended area of transmitter operation, which should be as small as possible, consonant with the requirements of the community to be served. Stations in this service will not be authorized to operate at temporary fixed locations unless it is shown that:

(1) Substantially more public benefit can be attained by the use of a temporary-fixed station as compared to a fixed station;

(2) The placement of the transmitting facilities anywhere in the specified area of operation will not adversely affect the operation of any other authorized station; and

(3) The operation will not inhibit the operation of a fixed station on another channel in the same city, or any station in any other city having a metropolitan population of 100,000 or more whose coordinates (as defined in § 21.902(b)) are within 50 miles of the intended area of transmitted operation.

(b) Where the Commission finds that the operation of a station in this service at temporary fixed locations would be in the public interest, the authorization will be subject to the following conditions:

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6 months' duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

(2) When a fixed station authorized to operate at temporary locations is installed and it subsequently becomes necessary for the station to operate from such location for more than 6 months, applications (FCC Forms 401 and 403) for a station authorization to specify the permanent location shall be filed at least 60 days prior to the expiration of the 6 month period.

(3) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this

chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

(c) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 401 and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design.

§ 21.910 Notification of station operation at temporary locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.909 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, of each period of operation at least 5 days prior to installation of the facilities. This notification shall include:

(1) The call sign, output power and specific location of the transmitter.

(2) The maintenance location for the transmitter.

(3) If more than a single frequency has been authorized the exact frequency to be used.

(4) The public interest, convenience and necessity to be served by operation of the proposed installation.

(5) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer in Charge.

(6) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

(b) A copy of the foregoing notification shall be posted with the station license (see § 21.214).

10. The following new section is added to Part 43.

§ 43.72 Reports of operators in the Multipoint Distribution Service.

(a) Each common carrier in the Multipoint Distribution Service shall file with the Commission, not later than March 1 of each year for the preceding calendar year, two copies of a report, certified as to accuracy by a corporate officer (or entrepreneur if not a corporation), which shall include the following:

(1) Name and address of respondent;

(2) Condensed balance sheet as of the end of the calendar year including as separate items thereon the investment in and book depreciation reserve related to the Multipoint Distribution Service plant and equipment;

(3) Condensed income statement for the calendar year showing as separate items revenues and expenses related to Multipoint Distribution Service; and

(4) In addition, each report shall include the following statistical informa-

tion (preferably in tabular form) for each station or channel the respondent operates in the Multipoint Distribution Service:

(i) The identity of each subscriber served;

(ii) The number of separate occasions on which each named subscriber was served;

(iii) The total hours of service provided to each named subscriber;

(iv) The number of receiving locations to which each named subscriber was provided service (if the number varies, provide an average); and

(v) Whether each named subscriber is affiliated or related to the carrier in any way.

(b) A copy of each year's report shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for reference and inspection.

[FR Doc.72-6508 Filed 4-27-72; 8:51 am]

[ 47 CFR Parts 2, 74 ]

[Dockets Nos. 19130, 19494; FCC 72-361]

**AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS**

**Further Notice of Proposed Rule Making**

In the matters of amendment of Parts 2 and 74 of the Commission's rules to permit Aural Broadcast STL operations in the band 2150-2160 MHz and to accommodate STL, Intercity Relay Stations and certain low power broadcast auxiliary stations within the frequency band 947-952 MHz, Docket No. 19130; and amendment of Parts 2 and 74 of the Commission's rules to permit Aural Broadcast STL operations in the band 2110-2113 MHz, Docket No. 19494.

1. On January 20, 1971, the Commission adopted a notice of proposed rule making and Notice of Inquiry in Docket No. 19130 which was published in the FEDERAL REGISTER on January 29, 1971 (FCC 71-56; 36 F.R. 1425). Comments and reply comments were due initially on or before March 2, 1971, and March 12, 1971, respectively. In response to a petition filed by the National Association of FM Broadcasters, the comments and reply comment dates were extended to April 19 and April 29, 1971, respectively. At the request of the consulting firm of A. Earl Cullum, Jr. and Associates, the date for filing reply comments was further extended to May 13, 1971. No further requests for extension of filing time have been received.

2. The purpose of the notice of proposed rule making and Notice of Inquiry in Docket No. 19130 was, in summary, to deal with the frequency needs of Aural Broadcast STL stations in view of the Commission's decision in Docket No. 18262 which reallocated the lower half of the 942-952 MHz band to the land mobile service. Basically the notice proposed making available to Aural

Broadcast STL Stations, access to the 2150-2160 MHz band on a shared basis with the common carrier services and Operational Fixed Stations to which the band is presently allocated for omnidirectional use; suggested certain conditions of accessibility to the 2150-2160 MHz band for Aural Broadcast STL stations, if so allocated; requested comments concerning the feasibility and practicability of reducing the width of channels for Aural Broadcast STL Stations using the 947-952 MHz band and changing other technical standards now applicable to such stations and proposed a disposition of those auxiliary broadcasting stations now "out of band" as a result of the reallocation of the band 942-947 MHz in Docket No. 18262.

3. Comments were filed by:

- Browne-Renaud Associates, Inc. (Browne Renaud) <sup>1</sup>
- Carter Publications, Inc. (Carter) (With engineering statement on Carter's behalf filed by Jules Cohen)
- Chicago Communication Service, Inc. (Chicago)
- Columbia Broadcasting System, Inc. (CBS)
- Midwest Radio Television, Inc. (Midwest)
- Marti Electronics, Inc. (Marti)
- Moseley Associates (Moseley)
- National Association of Broadcasters (NAB)
- National Association of FM Broadcasters (NAFMB)
- National Broadcasting Company, Inc. (NBC)
- Taft Broadcasting Company (Taft) (With engineering statement on Taft's behalf filed by Bernard R. Segal)
- Utilities Telecommunications Council (UTC)
- World Ventures, Inc. (World)
- Varian Associates, Solid State Division (Varian)

Reply comments were filed by the NAB, National Association of Educational Broadcasters (NAEB), NBC, Varian and World. In addition, an engineering statement was submitted by Thomas A. Wright on behalf of the firm of A. Earl Cullum, Jr., and Associates (Cullum). All of these comments, engineering statements and reply comments have been considered by the Commission.

4. Summaries of the comments filed in Docket No. 19130 are as follows. With reference to the proposed shared use of the band 2150-2160 MHz by Aural Broadcast STL stations, a basic issue in the Commission's proposal, supporting comments were received from Moseley, Midwest, Carter, NAFMB, and NBC. Opposing comments regarding this issue were filed by Chicago, Varian, Taft, Marti, Browne Renaud and World. Most opposing comments were based on the belief that Aural Broadcast STL occupation of the band would hamper its use by services to which the band is currently available, and made reference to the increasing interest in the use of the band for omnidirectional video service on the part of common carriers. (Further treatment of this aspect will be dealt with after the summaries of comments filed.) Varian's

<sup>1</sup>These comments were designated for Docket No. 18262, but their contents were applicable to Docket No. 19130.

comments expressed the belief that the mixing of omnidirectional and point-to-point operations in the same band would greatly increase the possibility of mutual interference because the omnidirectional TV service would employ multiple receiving locations anywhere within a 360-degree pattern with directional antennas which may be oriented toward STL transmitters capable of causing harmful interference. Comments were also received regarding other possible uses of the band 2150-2160 MHz, for other than Aural Broadcast STL purposes. For example, the comments of NAB urged that provision should also be made in that band for aural intercity relay, as well as STL operations, on the basis that both are essential to providing broadcast stations with program material of high technical quality. This was based on the belief that the high loading in the band 947-952 MHz by STL stations would require intercity relay operations to go to other bands. Further, the NAB comments also urged that Low Power Auxiliary Broadcasting Stations be excluded from the band 2150-2160 MHz because of the unpredictable interference they might cause to others in the band. The comments of Browne Renaud recommend that because of the light loading of TV auxiliary channels in the Band A (1900-2110 MHz and 2450-2500 MHz), one of these channels could be reserved for Aural Broadcast STL use in lieu of the band 2150-2160 MHz.

5. The Commission's proposal invited comments regarding whether applicants for Aural Broadcast STL Stations in the band 2150-2160 MHz should be required to demonstrate, by a special showing, that operation in the band 947-952 MHz would result in harmful interference to or from existing users before access to the band 2150-2160 MHz would be permitted. Further, with reference to the possible Aural Broadcast STL use of the 2150-2160 MHz band, our notice indicated that the STL stations would be assigned frequencies as close as possible to the upper or lower edges of the band to preclude fragmentation of the band to the detriment of those with a wide-band requirement. A number of comments referred to these points. UTC and Varian supported the requirement for a special showing. On the other hand, Moseley, NAB and NAEB believed that the choice of bands should be left to the discretion of the applicant. In part, this was based upon the belief that this choice would encourage the development and availability of STL equipment for the band 2150-2160 MHz. The comments of Chicago urged that, in the event Aural Broadcast STL assignments were permitted in the 2150-2160 MHz band, they should be limited to a total of 2 MHz at most, and Taft suggested that such assignments be limited to 2 MHz at the upper or lower ends of the band.

6. Regarding the examination of the channeling and technical standards now required for Aural Broadcast STL stations in the band 947-952 MHz band, as proposed in our notice, a number of very helpful comments were filed. A

change from 500 kHz channels to 250 kHz channels was widely advocated. Moseley, NBC, Varian, Taft, Marti, NAB, and NAEB filed comments recommending this change. Several, including Moseley, stated that one 250 kHz channel would be adequate for monaural FM STL use and two 250 kHz channels would be adequate for stereo FM use. There was general agreement that such bandwidths would provide high quality program channels and, in addition would leave space for the multiplexing of SCA (subsidiary communications) and transmitter control circuits. A reduction to 250 kHz was opposed by Midwest, based on its opinion that a 500 kHz channel was necessary to provide space for two STL stereo transmitting channels for left and right channels, and Carter's comments indicated that channels less than 250 kHz wide would preclude the "piggy-backing" of control circuits and subsidiary communications (SCA). Carter and NAB also advocated the use of 250 kHz channels in the band 2150-2160 MHz for Aural Broadcast STL assignments made in that band. Both Moseley and Segal recommended that, based upon 250 kHz channeling for Aural Broadcast STL stations in the 947-952 MHz band, the first assignable frequency should be 947.125 MHz.

7. Regarding the question of possible adoption of channels less than 250 kHz wide for Aural Broadcast STL stations serving AM Broadcast stations, as raised in the Commission's proposal. Cohen's engineering statement advocated the use of the same bandwidth to permit the same basic equipment to be used by both, although he acknowledged that the requirements for a standard broadcast aural STL may not be as rigorous as those serving an FM Broadcast Station. Moseley's comments express a strong belief that a channeling assignment plan based on the narrowest known requirement, viz., 30 kHz for standard broadcast stations, would lead to interference among users and would be extremely difficult to administer.

8. Moseley and Marti recommend reductions in the frequency tolerance for Aural Broadcast STL stations. Moseley recommended that § 74.561 be amended to change the frequency tolerance of the operating frequency of STL stations to within .001 percent of the assigned frequency. Marti recommends that transmitter and receiver tolerance be restricted to .0005 percent, or better. (Section 74.561, which has been in effect for a number of years, requires a frequency tolerance of 0.005 percent for Aural Broadcast STL and Intercity Relay Stations.) Marti also recommends the use of cross-polarization of antennas on adjacent channels.

9. The Commission's proposed disposition of "out-of-band" operations in the band 942-947 MHz was supported by NAB and NAEB. Both recommended that all present broadcast use of the band be permitted to continue on a secondary basis to the land mobile service to which the band was reallocated in Docket 18262.

10. Midwest and NAB comments supported the Commission's proposal to preclude use of the band 947-952 MHz by TV Broadcast STL Stations relaying the aural portion of TV program material, as now provided under § 74.603(b), and to reserve the band for use by Aural Broadcast STL Stations serving AM and FM stations, only. In general, those comments expressed the belief that it was now normal practice to carry the aural portion of TV program material by means of a subcarrier, along with the video program material, in higher frequency bands already available for television STL stations. The NBC comments express the view that better program continuity can be maintained by the use of separate STL stations for relaying aural and video program material to TV stations and that in smaller markets there would be sufficient Aural Broadcast STL channels to permit their shared use by AM, FM and TV stations. Moseley stated that the number of Aural Broadcast STL channels in the band 947-952 MHz and the additional channels in the band 2150-2160 MHz would make it unnecessary to preclude such shared use by TV stations.

11. A number of comments urged that current provisions in the rules be continued to permit the operation of Low Power Broadcast Auxiliary Stations in the 900 MHz region. The NBC comments stated that restricting the operation of such stations to the band 947-952 MHz would severely impair their usefulness at political conventions and other events of wide interest to the public and that experience at the 1968 Democratic and Republican National Conventions demonstrated that all of the 10 MHz of spectrum space was required for satisfactory operation of the numerous units used simultaneously by the three national networks. On that basis, NBC urged that these Low Power Broadcast Auxiliary Stations be permitted to continue to operate on any frequency within the band 942-952 MHz. The comments of CBS stated that Low Power Broadcast Auxiliary Stations, licensed under § 74.437 of the Commission's rules, included such devices as cue and control signal transmitters and wireless microphones, licenses for which may currently be issued to television, as well as AM and FM broadcast station licensees in bands including 942-952 MHz. The CBS comments further stated that this is the only band in which Low Power Broadcast Auxiliary Stations may be used for the transmission of synchronizing signals and various control signals to portable or hand-carried TV cameras under the provisions of § 74.437(c) of the rules and assumed that the Commission did not intend, in Docket No. 19130, to preclude their continued use. The Cullum comments support those of CBS but recommend that any rules adopted should permit the continued availability of the 947-952 MHz band for Low Power Broadcast Auxiliary Station uses now permitted under § 74.437(c) and (e) of the rules. The reply comments of NAEB supported those of the networks, and

others, which urged retention of existing provisions for Low Power Broadcast Auxiliary Station operations within the band 947-952 MHz.

12. In addition to the above summaries of comments on the subjects indicated, certain comments which were filed dealt, in part, with matters clearly not within the scope of this joint proceeding. The NAB comments, for example, refer to a petition which NAB filed with the Commission on January 8, 1971 (RM-1735) in the matter of revising Part 74 Subparts D, E and F which, if granted, would, among other things, provide a 1 MHz band (for ten 100 kHz channels) in the upper part of the 947-952 MHz band for "transmitter-studio-links (TSL)" use, on a secondary basis. These links would provide for the transmission of telemetry information to a remote control location prior to the activation of the main transmitter, and NAB stated that such links must be provided for as requested in the above referenced filing. The Varian comments suggested that, as part of this present rule making action, the Commission should eliminate § 91.554(b)(22) of the rules, which provides for the use of various frequencies in the 952-960 MHz band for central station commercial protection service use, and that the band 2150-2160 MHz be reserved for the exclusive use of common carriers for "subscriber-programmed television service and related publicly available non-video services." Because of the reason given above, the comments summarized in this paragraph will not be considered further in this proceeding.

13. A number of comments received indicated that the Commission's notice of proposed rule making and Notice of Inquiry in Docket No. 19130 did not state with sufficient clarity whether it proposed that Low Power Broadcast Auxiliary Stations licensed to TV station licensees be excluded from operating on frequencies in the 900 MHz region, such as now provided in § 74.437 (c) and (e) of the rules. It was the Commission's intention to propose that such operations not be permitted in the band 2150-2160 MHz, because of the unpredictable nature of the interference which such stations could cause to others operating in the band. The Commission recognizes the importance of such stations for the transmission of synchronizing and various control signals to portable and hand-carried TV cameras, as well as the transmission of wireless microphone and cue signals.

14. Earlier reference was made above, in paragraph 4, to the increased interest recently shown in the use of the 2150-2160 MHz band for omnidirectional common carrier services and it was stated that this aspect would be treated further. This interest was strongly reflected in the comments filed. The comments of Chicago, for example, requested that all of the band be reserved for the exclusive use of omnidirectional television services on a common carrier basis. The comments further described a survey by Chicago and Varian which indicated to them that there is a large potential market for

such services, including applications such as video instructional training in industry, continuing professional education, instruction in public and private schools and in municipal government functions. Chicago stated that it had initially requested the use of a 6 MHz channel, but indicated that it was also interested in other services which could be provided in the remaining 4 MHz. Chicago's comments also stated that a need exists for higher definition TV requiring an 8 MHz channel, instead of 6 MHz, to meet special needs such as the demonstration of new concepts in surgery by medical groups. Varian opposed any use of the band by Aural Broadcast STL Stations, at least for the present. World expressed a need for the entire band for omnidirectional common carrier services, as did Taft and Browne Renaud. In general, the above respondents went to considerable length to underscore and describe the large demands which they believed would be made on the band for omnidirectional common carrier services, including video and additional other types of transmissions. Of perhaps more significance is the fact that since the 3.5 MHz bandwidth limitation was removed in 1970 for omnidirectional common carrier use of the band 2150-2160 MHz, the Commission has currently pending 148 applications in 93 cities for wide band common carrier services to be conducted in the band. This is in direct contrast to the previous light usage made of the band, as indicated in the Commission's notice of proposed rule making and notice of inquiry in Docket No. 19130.

15. Because of the developments outlined above, the Commission, after further review, has concluded that the present indicated requirements for omnidirectional common carrier use of the band 2150-2160 MHz would severely limit any shared future use of the band by Aural Broadcast STL Stations, especially since the maximum anticipated requirements for both uses appear to be in a relatively small number of our larger cities. Although the band is also now available for use by omnidirectional point-to-point stations in all other services except broadcast and auxiliary broadcast, no assignments in such services have been made. Accordingly, the Commission is withdrawing those portions of our notice of proposed rule making and notice of inquiry in Docket No. 19130 which concern the proposed shared use of the band 2150-2160 MHz by Aural Broadcast STL Stations. As indicated in the title of this document, the Commission is now proposing, in a new Docket No. 19494, the use of frequencies between 2110 and 2113 MHz for such STL stations. The matters now become the subject of a joint proceeding. Further, the Commission believes that it would be inappropriate to take final action at this time on other matters previously proposed in Docket No. 19130 regarding the future accommodation of certain Broadcast Auxiliary Stations in the 900 MHz region of the spectrum, because such matters are directly related to the possible use of frequencies between 2110 MHz

and 2113 MHz for Aural Broadcast STL Stations, as proposed herein.

16. In the Commission's rules (§ 2.106), the band 2110-2130 MHz is allocated in the United States to the Fixed Service for use by stations in the domestic fixed public service which are operated by "wireline" common carriers. Current FCC service rules governing the use of the band are in Part 21, "Domestic Public Radio Services (Other than Maritime Mobile)". These rules make the band available for use by stations operating in the "Point-to-Point Microwave Radio Service" and, on a shared basis, by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service. At present, there are no assignments to stations in the latter category between 2110 MHz and 2113 MHz. The band 2110-2130 MHz is now used primarily for narrow band, common carrier stations in the Point-to-Point Microwave Radio Service, with generally paired assignments in the 2160-2180 MHz band for full duplex transmission. In a concurrent notice of proposed rule making,<sup>2</sup> the Commission is proposing to provide in the larger cities, two wideband (6 MHz) channels for use by omnidirectional common carrier video services between 2150 MHz and 2162 MHz (plus the possible use of an additional 1 MHz for a guard band between these channels). This space is proposed for use by a new Multi-Point Distribution Service. Such a 2 MHz or 3 MHz incursion into the lower end of the band 2160-2180 MHz could efficiently permit the 3 MHz at the lower end of the band 2110-2130 MHz to be made available for use by Aural Broadcast STL Stations without substantially further limiting the potential of the band for two-way communications. Studies indicate that the common carrier use of the band 2110-2130 MHz and the band 2160-2180 MHz are primarily in rural areas, which would be compatible with the proposals herein involving certain larger metropolitan areas only.

17. More specifically, the Commission is proposing in this joint proceeding that applicants for Aural Broadcast STL Stations, who are also licensees of AM and FM Broadcast Stations, would be permitted to utilize frequencies between 2110 MHz and 2113 MHz in ten of our larger cities where it appears that the band 947-952 MHz cannot be expected to provide sufficient channels for such stations to meet growing requirements. In those few cases where existing common carrier operations would serve to preclude such shared STL use, it is proposed to require such operations to shift to other frequencies. Footnote US90 in Section 2.106 would require that the use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations would be subject to coordination with satellite earth stations in the band 2110-2120 MHz. Such earth stations presently operate only at Goldstone, California;

<sup>2</sup> See notice of proposed rule making in Docket No. 19493, adopted April 19, 1972.

Kauai, Hawaii and Guam. This is not expected to present problems in the use of frequencies between 2110 MHz and 2113 MHz in major metropolitan areas. Also, footnote NG23 provides that frequencies in the band 2110-2200 MHz may also be assigned to stations in the international fixed public radio service located south of 25°30' north latitude in the State of Florida and in U.S. possessions in the Caribbean area. It is proposed that Rule provisions for this would be made by adding a new footnote applicable to the band 2110-2130 MHz in the Table of Frequency Allocations and by amendments to appropriate rule sections in Part 74 governing Broadcast Auxiliary Stations. Specific rule amendments are not proposed herein because they can be evolved only after careful review of the anticipated comments in response to this further notice of proposed rule making. New assignments for common carrier use of frequencies between 2110 MHz and 2113 MHz near the ten cities would be limited to those carriers which could show that no reasonable alternative was available and on the condition that they cause no interference to Aural Broadcast STL Stations, as proposed in the concurrent notice of proposed rule making referred to in footnote 1. It is proposed to make frequencies between 2110 MHz and 2113 MHz available only to Aural Broadcast STL Stations serving AM and FM Broadcast Stations, which would not provide for the STL use of those frequencies for the relaying of the aural portion of TV program material to TV Broadcast Stations and would also not provide for the use of such frequencies by Aural Broadcast Intercity Relay Stations or Low Power Broadcast Auxiliary Stations.

18. Comments are invited regarding this further notice of proposed rule making which proposes the use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations and related matters. The summaries of comments filed in response to the previous notice of proposed rule making and notice of inquiry in Docket 19130 have been included because they deal with the matter of total frequency requirements of Aural Broadcast STL stations, and to some extent, with the matter of technical requirements which may be made applicable to Aural Broadcast STL operations in the 2000 MHz region of the radio spectrum. Based on those comments, the current technical standards for common carrier operations in the band 2110-2130 MHz, and other information available, the Commission proposes to adopt rules providing a 250 kHz channeling plan for Aural Broadcast STL operations between 2110 MHz and 2113 MHz. It is believed that one 250 kHz channel would be capable of providing a program channel of high technical quality, as well as multiplex sub-channels for SCA and remote control transmissions. Also, it is proposed that the rules should permit the authorization of two 250 kHz channels to provide for the greater bandwidth requirements of Aural Broadcast STL Stations serving

FM Stereo Broadcast Stations, if applicants provide an adequate showing of need. These two 250 kHz channels would be adjacent, in the case of composite stereo STL operations, but would not need to be adjacent where individual STL facilities are used for left and right stereo program channels. However, there appear to be unresolved questions concerning which of the two systems offers the greater advantage, especially from the standpoint of better frequency utilization and management. Regarding the possible improvement in frequency tolerance for STL stations, it appears that its value should be reduced from plus or minus .005 percent to plus or minus .001 percent, or less, of the assigned frequency. Further, comments are requested regarding whether a tighter tolerance should also be adopted applicable to stereo Aural Broadcast STL Stations using two offset carriers for left and right channels. The value presently required in § 74.502(a) is .001 percent of the assigned frequency for such operations. Attention is invited to the comments of Moseley and Marti, summarized in paragraph 8, above.<sup>3</sup>

19. Specific comments are also invited concerning the question of whether applicants for Aural Broadcast STL stations on frequencies between 2110 MHz and 2113 MHz should be required to demonstrate by a special showing that their STL operation could not be accommodated in the band 947-952 MHz without resulting in harmful interference to or from stations already authorized to use the latter band. Also, comments are invited on the subject of how channels and frequencies should be selected for assignment to Aural Broadcast STL stations between 2110 MHz and 2113 MHz, if those frequencies become available for such stations. It is pointed out that in the Table of Frequency Allocations (§ 2.106) existing footnote NG10 requires that frequency assignments for common carrier stations in the band 2110-2130 MHz should be selected on the basis of using the highest frequency which will not result in harmful interference to stations in the same area already assigned frequencies in accordance with the Table of Frequency Allocations. This indicates that more efficient use of the band and fewer frequency conflicts would result if assignments to Aural Broadcast STL Stations were made from the lower edge of the band (2110 MHz) upward, the first assignable frequency being 2110.125 MHz if a 250 kHz channel width were to be adopted.

20. In paragraph 17, above, it was stated that the Commission was herein proposing the use of frequencies between

<sup>3</sup>Because the equipment employed by Aural Broadcast STL and Intercity Relay Stations is, with few exceptions, identical, our present rules setting forth the technical standards applicable to such stations are the same. (See Part 74, Subpart E.) Accordingly, it is proposed that any changes in such standards applicable to Aural Broadcast STL Stations which are adopted in this proceeding will also be made applicable to Aural Broadcast Intercity Relay Stations, as appropriate.

2110 MHz and 2113 MHz by Aural Broadcast STL Stations in 10 of our larger cities where the frequency requirements for such stations appear greatest. Because it appears that common carrier operations in or near most of these cities are minimal, it is believed that interference conflicts with STL operations in the same areas can be avoided if frequency assignments are properly engineered.<sup>4</sup> Although the greatest requirements for Aural Broadcast STL assignments are generally limited to a relatively few of our larger cities (or urbanized areas), their population is not the determining factor. Instead, these requirements are also greatly influenced by other factors such as the topography of the area, the location and height of the taller buildings which make up the "sky line" of a city and the number and locations of broadcast stations serving the area. In addition, there are factors such as the availability and reliability of high-quality wire line circuits to carry program material and other transmissions from studios to transmitter sites under a wide variety of conditions, and of course, economic considerations are involved when broadcasters choose between the use of wire lines and STL facilities. Accordingly, our studies show that the largest demand for channels for Aural Broadcast STL Stations presently occurs in the following principal cities in the order listed:

1. Los Angeles, California
2. San Juan, Puerto Rico
3. San Francisco, California
4. Dallas, Texas
5. Denver, Colorado
6. Chicago, Illinois
7. Salt Lake City, Utah
8. Houston, Texas
9. Albany, New York
10. New York, New York

The Commission proposes to permit Aural Broadcast STL assignments within 50 miles of the coordinates of the above cities (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States"). That distance appears adequate to also accommodate STL requirements in nearby large cities such as Oakland, Calif.; Fort Worth, Tex., and Schenectady and Troy, N.Y. However, comments are invited concerning the composition and adequacy of the above list, including the rationale and data employed in arriving at conclusions reached.

<sup>4</sup>A preliminary survey of the areas in question indicates little likelihood of conflict between existing users and potential STL use, with the possible exception of San Juan, Puerto Rico, and Los Angeles, California. However, in those few cases where existing common carrier stations are found to block full use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations, the common carrier stations would be required to shift to other frequencies in the band 2110-2130 MHz. In essence, it is proposed that, in the ten areas specified, common carrier operations would be on a secondary basis to Aural Broadcast STL operations on frequencies between 2110 MHz and 2113 MHz. This would be stipulated in appropriate rule amendments.

21. Authority for this proposed rule making is contained in section 4(i), 303 and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before July 5, 1972, and reply comments on or before August 7, 1972. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

22. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 19, 1972.

Released: April 26, 1972.

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

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-6509 Filed 4-27-72; 8:51 am]

[ 47 CFR Parts 2, 74 ]

[Docket No. 17022; FCC 72-343]

AUDIO FREQUENCIES

Report and Order Regarding Terminating Proceeding

In the matter of amendment of Parts 2 and 74 of the Commission's rules to reallocate the frequency bands 450.5-451 MHz and 455.5-456 MHz to the Land Mobile Service in general (other than remote pickup) and to reduce to 50 kHz the spacing between assignable frequencies in the bands 450-450.5 MHz and 455-455.5 MHz for use by remote pickup stations, Docket No. 17022.

1. On November 30, 1966, the Commission adopted a notice of proposed rule making (31 F.R. 15491) proposing to reduce the spacing between assignable frequencies in the remote pickup broadcast auxiliary bands in the range 450-460 MHz and to reallocate half of each of these bands to other land mobile services, excluding remote pickup. It was the Commission's intent in those proposals to provide some limited relief to the congested services by increasing the utilization of the lightly used remote pickup bands.

2. Comments filed in response to the notice (a list of parties filing comments and replies is attached) generally supported the channel splitting proposal. Broadcasters, however, strongly opposed any loss of remote pickup spectrum based on their own projected frequency needs.

<sup>5</sup> Commissioners Johnson and H. Rex Lee absent.

The Commission now has before it a petition to terminate proceedings in this docket filed by the National Association of Broadcasters (NAB). NAB contends that the proposals made in this proceeding in 1966 are no longer meaningful in light of the more recent FCC decisions in Dockets 13847, 18261, and 18262<sup>1</sup> dealing broadly with land mobile frequency requirements. NAB views continuation of the instant proceeding as an unnecessary deterrent to the further growth of remote pickup facilities and asks that the proposals be withdrawn and the proceeding terminated.

3. As mentioned above, it was the Commission's purpose in this proceeding to correct what appeared to be an imbalance in channel loading between the remote pickup UHF bands and those allocated to other land mobile services. At the time the notice was issued, utilization of the remote pickup bands was relatively light compared with that of other land mobile allocations which were becoming congested in some of the larger metropolitan areas. Through channel splitting and reallocation of a portion of the remote pickup spectrum, the Commission hoped to afford some temporary relief to the congested services without seriously affecting remote pickup operations. However, as pointed out by NAB, the Commission has since completed a number of other rule making actions which, when fully implemented, will provide more general long term relief to the land mobile service. Moreover, examination of the Commission's assignment records indicates considerable growth in the number of remote pickup assignments in the UHF bands. Most, if not all, of the presently available channels in this range are now assigned in many of the larger metropolitan areas. For example, only one unassigned channel was found in Chicago and none in the cities of New York and Los Angeles. Clearly, additional channels will be needed if the service is to continue to grow in these areas.

4. Considering the above, the Commission has decided to grant NAB's request and is withdrawing the proposal to reallocate a portion of the remote pickup bands to other land mobile radio services. Also, it is noted that there is pending before the Commission a petition by NAB (RM 1735) requesting a number of amendments to Part 74 of the Commission's rules dealing with the Auxiliary Broadcast Services in general. Included in that petition is a proposed frequency assignment plan for the NHF remote pickup bands based on reduced separation between assignable frequencies. The Commission will therefore defer a final decision on channel splitting in these bands pending consideration of RM 1735 in a separate proceeding.

5. Accordingly, it is ordered, Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of

<sup>1</sup> Second Report and Order, Docket 13847, 33 F.R. 3114; First Report and Order, Docket 18261, 35 F.R. 8634; First Report and Order and Second Notice of Inquiry, Docket 18262, 35 F.R. 8644.

1934, as amended, that the proceeding in Docket 17022 is hereby terminated.

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

PARTIES FILING COMMENTS AND REPLY COMMENTS IN DOCKET NO. 17022

COMMENTS

- Mart Electronics
- Moseley Associates, Inc.
- Springfield Broadcasting, Inc.
- Siouxland Broadcasting, Inc.
- Hawkeye Broadcasting, Inc.
- Grand Island Broadcasting Co., Ltd.
- Sallna Broadcasting, Inc.
- Cornbelt Broadcasting Corp., Inc.
- Maine Radio and Television Co.
- WLBZ Television, Inc.
- Maine Broadcasting Co.
- WRDO, Inc.
- Carter Publications, Inc.
- Functional Broadcasting, Inc.
- With, Inc.
- WKEE, Inc.
- The City of Dallas
- The Times-Herald Printing Co.
- The Sparks Broadcasting Co.
- Atlantic-Richfield Co.
- National Association of Broadcasters
- American Automobile Association, Inc.
- American Broadcasting Cos., Inc.
- Central Committee on Communication Facilities of The American Petroleum Institute
- Greater Indianapolis Broadcasting Co., Inc.
- Central Station Electrical Protection Association & Controlled Cos., American District Telegraph Co.
- Golden West Broadcasters
- Royal Street Corp.
- RKO General, Inc.
- Sis Broadcasting, Inc.
- American Trucking Associations, Inc.
- Columbia Broadcasting System, Inc.

REPLY COMMENTS

Columbia Broadcasting System, Inc.

[FR Doc.72-6513 Filed 4-27-72; 8:48 am]

[ 47 CFR Part 73 ]

[Docket No. 19491; FCC 72-355]

FM BROADCAST STATIONS IN CERTAIN CITIES IN VIRGINIA, CALIFORNIA, AND PUERTO RICO

Table of Assignments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Front Royal, Va.; Morro Bay, Calif.; Vieques, P.R.), Docket No. 19491, RM-1769, RM-1789, RM-1792.

1. We have before us, for consideration, three petitions, each requesting the institution of rule making looking toward the assignment of a new FM channel. They each deal with different communities and will be discussed seriatim. All population statistics cited are from the 1970 U.S. Census.

RM-1769, FRONT ROYAL, VA.

2. On March 19, 1971, WFTR, Inc. (WFTR) filed a petition with this Commission requesting the assignment of FM

<sup>2</sup> Commissioners Johnson and H. Rex Lee absent.

Channel 237A to Front Royal, Va. No other revisions in our Table of Assignments were proposed. No comments were filed in respect to the petition.

3. Front Royal, Va. (population 8,211) is the county seat of Warren County (population 15,301). The only standard broadcast station in Front Royal (WFTR), a Class IV operation, is licensed to the petitioner. Channel 257A is occupied by Wayside Broadcasting Corp. which holds a CP for WFFV at Front Royal. It is the only FM assignment in the community.

4. Petitioner commences its public interest showing concerning the need for an additional FM assignment at Front Royal by stating:

Front Royal, Va., is the gateway to the Shenandoah National Forest and the Skyline Drive. The industry of the area is largely dependent on the heavy tourism. During 1970, there were 2,411,500 visitors to the Shenandoah National Forest. It is anticipated that this number of tourists will substantially increase as Route 66 linking Washington, D.C., to Front Royal, is partially completed, and a link from Front Royal to Route 81 is almost completed. Completion of these routes will not only increase the number of tourists visiting Front Royal, but will also result in rapid growth and industrialization of the community.

It is asserted that only 12 of Virginia's 96 counties have a higher per capita income than Warren County, and that only eight have a higher median income. A showing is made that over one-half of the population of Warren County is under 31 years of age, and that the average family size of the population is 3.42 persons. Over two-thirds of these families have children under 18 years of age. Thus, it is submitted that Warren County and Front Royal are dynamic and growing areas. WFTR points out that its AM operation is severely limited in its nighttime coverage and that the proposed FM service would increase the nighttime coverage of its present programming from nine square miles to 615 square miles.

5. In light of the facts that, no oppositions have been filed, no existing FM assignments will be disturbed under the proposal and, that a preliminary showing appears to have been made that Front Royal needs an additional aural broadcast service, we consider it in the public interest to explore WFTR, Inc.'s proposal to assign Channel 237A to Front Royal, Va., in this rule making proceeding.<sup>1</sup>

#### RM-1739, MORRO BAY, CALIF.

6. On April 9, 1971, Mineral King Broadcasters and Mr. Elbert H. Dean, a joint venture doing business as Morro Bay Broadcasters (Bay Broadcasters), filed a petition (supplemented on May 14, 1971) with this Commission requesting the assignment of FM Channel 283B to

Morro Bay, Calif. No other changes in our FM allocation table are required or proposed. No comments concerning the petition were filed.

7. San Luis Obispo County, Calif., has a population of 105,690 persons. It contains the small city of Morro Bay with 7,109 residents. Our FM Table of Assignments contains no assignment for Morro Bay. KBAI expects to serve the community as a daytime-only standard broadcast station. Petitioner presently holds a CP (BP-14338) for its construction.

8. Petitioner advises us that the majority of the people in San Luis Obispo County reside in a relatively narrow 12 mile strip along the Pacific Coast and that the immediate Morro Bay shopping area contains approximately 27,000 people since it includes persons living in Cambria, San Simeon and Baywood Park. It is maintained that Morro Bay, as many other communities in California, has a very high level of population growth. Too, it is projected that the relative importance of Morro Bay to San Luis Obispo County will continue to increase (in 1950 the city held 4.9 percent of the total population of the county, a figure that it expected to increase to 10.6 percent by 1975). The community has the only natural landlocked harbor, with a navigable entrance, between San Francisco and Los Angeles. Although an important part of the community's economics rests on tourism, there are a significant number of persons who are permanent residents and employed as managers, officials, and proprietors, craftsmen, foremen, and service workers. The labor force is predominantly engaged in services, wholesale and retail trade and contract construction, with a substantial number also engaged in transport, communications, and utilities industries. It is projected that the city of Morro Bay will increase its share of San Luis Obispo County's personal income from 6.4 percent in 1960 to 9.4 percent by 1985. Bay Broadcasters maintains that the proposed FM station could be used to provide Morro Bay and the surrounding area with broadcasts of agricultural reports, community events, and public affairs programming not now, and not expected to be, available on a local basis during evening and nighttime hours. During times of emergency, a nighttime FM service, petitioner forwards, could be most helpful by broadcasting storm warnings and road condition notices. Petitioner points out that Morro Bay has substantial mountains to the north, east and south with the Pacific Ocean lying to the west. Because of these topography facts it is maintained that the community and surrounding area need a Class B rather than a Class A fulltime radio service.<sup>2</sup> A showing is also made which

<sup>2</sup> It is contended that a Class B FM station, operating with 50 kilowatts and antenna height of 500 feet above average terrain at Morro Bay would provide service to 200,384 persons in an area of 2,639 square miles and that, although it would not provide a first service, it would provide a second service, to 4,090 persons in an area of 698 square miles, or 2.05 percent of the population and 26.5

percent of the area within the 1 mv/m contour. In contrast thereto, Bay Broadcasters asserts that a Class A FM station, operating with a maximum facility, would provide service to 56,561 persons in an area of only 426 square miles, and a second service to 53 persons in an area of 13 square miles, or 0.09 percent of the population and 3.1 percent of the area within the 1 mv/m contour.

indicates that the assignment of Channel 283B to Morro Bay will not have a preclusionary effect on other assignments which would be opposed to the public interest.

9. In view of the foregoing, we have come to the judgment that the public interest would be served by setting forth petitioner's proposal (the assignment of Channel 283B to Morro Bay, Calif., in this rule making proceeding, in order to explore the public interest factors involved in such an allocation.

#### RM-1792, VIEQUES, P.R.

10. On May 7, 1971, Mr. Carlos Juan Colon Ventura filed a petition with the Commission requesting the assignment of FM Channel 255B to Vieques, P.R., as a simple "drop-in". The record contains an opposition, in the form of a letter, from Mr. Riggin Dapena.

11. There is no FM assignment on the small island of Vieques, P.R., with its population of 7,767 residents. WIVV, a standard broadcast station, is licensed to the Calvary Baptist Mission of Puerto Rico, on Vieques. On July 30, 1970, Vieques Radio Corp. (with which Mr. Dapena is connected) tendered an application for a new standard broadcast station to be located on Vieques Island. Accompanying the application was a request for a waiver of our "freeze" on AM applications. The application and request for a waiver are presently under consideration by the Commission.

12. Vieques Island is located approximately 9 miles east of the main island of Puerto Rico. It measures 5 miles in width by 20 miles in length with a total land area of 52 square miles. Petitioner points out that in addition to the normal residents on the island, the island is host to approximately 3,000 military personnel located at the island's U.S. Naval base. Vieques produces approximately 50,000 to 60,000 tons of sugarcane annually, apparently its main crop. Fishing in the Caribbean around Vieques is both a sport and a business. It is asserted that:

\* \* \* there are 161 business establishments on Vieques, including three wholesale trade establishments, 137 retail establishments, and 21 service establishments \* \* \* Tourists are attracted to Vieques by the excellent beaches, a phosphorescent bay and the rolling pasture and sugarcane country. Transportation to Vieques is supplied by ferry from Fajardo and by air from San Juan and several other Puerto Rican towns. To stimulate the tourist trade and the economic development of Vieques, the local government is sponsoring a program to restore "El Fortin," one of the island's historical attractions, and to include a cultural center and a restaurant in the project \* \* \* A proposal has also been made to develop the island as a free port or free trade zone

<sup>1</sup> Due to the existence of Station WQMC on Channel 237A at Charlottesville, Va., the transmitter site for any Front Royal station established on Channel 237A would have to be located approximately 4 miles north of the community.

to further stimulate commercial development, and both the Governor of Puerto Rico and the Administrator of Economic Development have promised to accelerate industrial development in Vieques.

This development of Vieques will add to the economic support of an FM station located on this island. But, even more significantly, a Vieques FM station will help to stimulate Vieques' development by providing a needed source of information about events on the island and by offering the only diversified broadcast service to civilian and military residents and visitors alike \* \* \* Without this assignment, the people of Vieques will be left without any local FM service and without any truly local commercial broadcast service \* \* \*

Petitioner brings to our attention the fact that WIVV primarily broadcasts religious programming and is, basically, supported by donations. Mr. Ventura states his proposed operation, in contrast, would provide local commercial programming concerning news, public affairs, political discussion and entertainment. In conclusion, the petition makes a showing that FM Channel 255B can be assigned to Vieques without precluding the assignment of this channel or any of the 6 adjacent channels at any community of more than 2,500 persons which does not already have an FM assignment.

13. Mr. Dapena opposes the assignment of any FM channel to Vieques primarily on two grounds: First, he believes that FM radio service is, in some way, inferior to AM radio service. In support of this belief he alleges that there are exceedingly few FM receivers on Vieques. Second, Mr. Dapena holds the belief that the ultimate issuance of a construction permit for an FM assignment at Vieques will prevent the issuance of a construction permit for the AM station. He and Vieques Radio Corp. seek to establish on the island. With regard to Mr. Dapena's first point, we must comment that the number of FM receivers presently, or in the future, in the hands of the Vieques public is a factor which surely will be considered, as part of a business judgment, by any applicant for an FM station on Vieques. In respect to Mr. Dapena's second point, we must point out simply that he is mistaken.

The issuance of a construction permit for any FM channel to be assigned to Vieques will not necessarily preclude the issuance of a construction permit for an AM station there. All applications are considered on the basis of whether they are in the public interest. To clarify an additional misconception held by Mr. Dapena, the grant of the subject petition for an FM assignment at Vieques in no way determines the ultimately successful applicant for the use of that FM frequency. If an assignment is made, applications for the frequency's use will be entertained from any member of the public.

14. From the above, we conclude that it is in the public interest to explore the possible assignment of FM Channel 255B to Vieques, P.R. in this rule making proceeding.

15. With the above material and public interest findings before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202 of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Morro Bay, Calif. ....		283
Vieques, P.R. ....		255
Front Royal, Va. ....	287A	237A, 287A

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

17. Showings required: All proponents of the proposed allocations should file comments with respect to the need of the proposed assignments. They may do so, in large part, by describing the economics, sociology, and importance of the subject community. This, in order to give the Commission the information it must have to render the required judgment that the assignment would be in the public interest. In the event a proponent is of the view that an adequate public interest showing has been made, a comment should be filed incorporating formal pleadings by reference and stating a current intent to apply for the FM

channel of interest, if assigned. Failure to file may lead to denial of the request.

18. Cutoff procedure: As in other recent FM rule making proceeding, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that they will not be considered in connection with the decisions herein.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 2, 1972, and reply comments on or before June 12, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

21. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, DC.

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-6512 Filed 4-27-72; 8:48 am]

<sup>3</sup> Commissioners Johnson and H. Rex Lee absent.

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Price Commission Ruling 1972-151]

#### AGGREGATE PRICING SYSTEM

##### Price Commission Ruling

**Facts.** Retailer B operates a shoe store. He customarily employs a pricing practice for women's shoes by which he determines all item prices within the category of women's shoes in the following manner. B specifies a weighted average markup of 50 percent to be achieved for the season resulting from all sales expected to be made in that season. The specified markup, purchase order costs, tentative retail prices, and projected sales volume are submitted for computer analysis to achieve the specified markup. If the analysis does not yield the specified markup, the tentative retail prices are adjusted until the mix of retail prices is arrived at which will achieve the specified weighted average markup. If the data used in the calculation to establish the initial selling price changes during the season, selling prices are adjusted accordingly to achieve the specified markup. B plans to continue to establish and adjust his prices by using this same practice.

**Issue.** May B price women's shoes in this manner for the summer season and be in compliance with § 300.13 of the regulations?

**Ruling.** Yes, so long as the prices actually charged by B do not result in a weighted average markup for the category of women's shoes during this year's seasonal pricing period which exceeds the weighted average markup actually achieved during the same pricing period during his last fiscal year ending before August 15, 1971. B is using one type of aggregate pricing system to determine selling prices. The customary initial percentage markup under the system used in this case is the weighted average markup achieved on the category during the same pricing period during B's last fiscal year ending before August 15, 1971.

Section 300.13(a)(1) of the regulations, 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972), permits a retailer to charge a price in excess of the base price after November 13, 1971, for any merchandise only if such price does not result in a "customary initial percentage markup" (CIPM) which exceeds the retailer's last CIPM before November 14, 1971, or at its option, its CIPM, "[D]uring its last fiscal year ending before August 15, 1971." CIPM is defined in section 300.5 of the regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), to mean:

"The markup applied to the cost (purchase price actually paid by the selling person and

transportation charges to be allocated to the merchandise) of merchandise when first offered for sale, determined on an item, product line, department, store, or other pricing unit basis, according to the person's customary pricing practice.

If a retailer's customary pricing practice is the use of an aggregate pricing system, he may continue to use that practice. A firm that qualifies as a category pricer for all or a portion of its operations must continue to apply the applicable category markups at the lowest level of aggregation of goods to which those markups have been customarily applied. A firm is using an aggregate pricing system if its prior practice was:

(1) To determine prices for a group of items in order to achieve a particular weighted average markup for the entire group. A firm that uses average markup objectives for management control purposes (such as target overall markup percentage for a department) does not necessarily qualify as a category pricer.

(2) To determine prices by applying a single markup to a group of items, classified on the basis of such factors as volume purchased, class of customer, or type of products.

It is the responsibility of the retailer to document that his customary pricing practice is the use of an aggregate pricing system.

The maximum category markup for each category is determined by obtaining a weighted average of the markups applied for that category during the company's last fiscal year ending prior to August 15, 1971. In the event a firm determines the prices for all items within the category at the same time, the maximum category markup is, at the option of the firm, the weighted average markup for the last fiscal year as described in the previous sentence or the last category markup applied prior to November 14, 1971.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc. 72-6567 Filed 4-27-72; 8:47 am]

[Price Commission Ruling 1972-152]

#### ITEM PRICING SYSTEM— DEPARTMENT STORE

##### Price Commission Ruling

**Facts.** Retailer A operates a department store. In order to maintain profit

control, he establishes "target" rates of return over merchandise cost for each department. Customarily he has set and changed prices on each item within a department to reflect cost and cost changes on that item. A's "target" rate of return for women's accessories is 50 percent. Markups used on individual items in this category range from 25 percent to 100 percent. The cost of handbags has increased. A wants to increase the prices on all accessories, including handbags, over those which would be permitted if the firm were to apply the customary initial percentage markup (CIPM) for each item to the cost of each item. By doing so, A would offset the increased cost of handbags and, therefore, maintain the target rate of 50 percent return for the whole department.

**Issue.** Would the price adjustments planned by A be in compliance with § 300.13 of the regulations?

**Ruling.** No. A has customarily set and changed prices on items within each department to reflect cost and cost changes on that item. Therefore, A has used an item system of pricing in the past and the prices established now on each item must not result in a CIPM on that item in excess of the CIPM allowed under 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972).

Section 300.13(a)(1) of the regulations permits a retailer to charge a price in excess of the base price for any merchandise after November 13, 1971, only if such price does not result in a CIPM which exceeds the retailer's last CIPM before November 14, 1971, or at its option its CIPM, "[D]uring its last fiscal year ending before August 15, 1971." The limiting CIPM under § 300.13 of the regulations is thus either the last markup for the item applied prior to November 14, 1971, or the top markup in the range of markups which was applied to the item during the retailer's last fiscal year ending before August 15, 1971. Section 300.13(a)(1) of the regulations permits a retailer to select either of these markups and price merchandise now so that the markup used does not exceed the selected markup.

Although A uses categories, such as women's accessories for profit and management control, this is not construed as sufficient evidence of an aggregate pricing system which would permit the use of a category CIPM instead of the CIPM on each item. A may increase prices over base prices only on the handbag items for which he has incurred cost increases, or which he is selling below the limiting CIPM for that item as determined by the interpretation of § 300.13 of the regulations stated above.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, JR.,  
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, JR.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-6568 Filed 4-27-72;8:47 am]

[Price Commission Ruling 1972-153]

## ITEM PRICING SYSTEM—GROCERY STORE

### Price Commission Ruling

**Facts.** Retailer D operates a grocery store. He prices items by taking into account the supply, demand, and competitive conditions prevailing in his locality at any given time. Although C has set a gross profit control "target" rate of 28 percent over costs for the entire store, he has historically priced goods in a manner that produced a certain percentage markup on each product. The cost of frozen vegetables has increased by 10 percent. Because of competitive conditions, C plans to increase prices over base prices for a variety of grocery products in order to offset the increase in frozen vegetable's cost and to maintain the 28 percent markup goal for the entire store.

**Issue.** Would the price adjustments planned by D be in compliance with § 300.13 of the regulations?

**Ruling.** No. D has historically priced goods in a manner that produced a certain percentage markup on each product. Therefore, D has used an item system of pricing in the past and the prices established now on each item must not result in a CIPM on that item in excess of the CIPM allowed under 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972).

The limiting CIPM under § 300.13 of the regulations is either the last markup for the item applied prior to November 14, 1971, or the top markup in the range of markups which was applied to the item during the retailer's last fiscal year ending before August 15, 1971. Price Commission Ruling 1972-152 (Item Pricing System—Department Store.) Although D uses his whole store as a pricing unit for profit control, this is not construed as sufficient evidence of an aggregate pricing system which would permit the use of a storewide CIPM instead of the CIPM on each item. D may increase prices over base prices only on the items for which he has incurred cost increases, or which he is selling below the limiting CIPM for that item as determined by the interpretation of § 300.13 of the regulations stated above. The burden is on the retailer to document his customary pricing procedure.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, JR.,  
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, JR.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-6569 Filed 4-27-72;8:47 am]

## Office of the Secretary

[Treasury Dept. Order 150-78]

## COMMISSIONER OF INTERNAL REVENUE

### Delegation of Authority Regarding Requests for Exemptions

Delegation of authority to deny requests for exemptions that are the same or substantially the same as exemption requests considered and denied by the Cost of Living Council.

By virtue of the authority delegated to me as Secretary of the Treasury by Cost of Living Council Order No. 9 (37 F.R. 6883), the authority delegated is hereby redelegated to the Commissioner of Internal Revenue.

The authority delegated herein shall be exercised in consultation with the Secretary, and where major policy issues are involved, with the approval of the Secretary.

This order shall be effective at 12:01 a.m., April 24, 1972.

Dated: April 24, 1972.

[SEAL] JOHN B. CONNALLY,  
Secretary of the Treasury.

[FR Doc.72-6543 Filed 4-27-72;8:50 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

## IMPERIAL NATIONAL WILDLIFE REFUGE

### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on June 30, 1972, at the Palo Verde Unified High School, Blythe, Imperial County, Calif., and continued at 9 a.m. on July 1, 1972, at the Yuma City-County Library, Yuma, Yuma County, Ariz., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Imperial Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 9,475 acres within Imperial Na-

tional Wildlife Refuge, which is located in Yuma County, State of Arizona, and Imperial County, State of California.

A study summary containing a map and information about the Imperial Wilderness proposal may be obtained from the Refuge Manager, Imperial National Wildlife Refuge, Post Office Box 1032, Yuma, AZ 85364, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue SW., Albuquerque, NM 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by August 1, 1972.

E. V. SCHMIDT,  
Acting Deputy Director, Bureau  
of Sport Fisheries and Wildlife.

[FR Doc.72-6519 Filed 4-27-72;8:50 am]

## MINGO NATIONAL WILDLIFE REFUGE

### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. on June 28, 1972, at the Puxico Elementary School, Puxico, Stoddard County, Mo., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Mingo National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of 1,705 acres of the Mingo National Wildlife Refuge, which is located in Wayne and Stoddard Counties, State of Missouri.

A brochure containing a map and information about the Mingo Refuge Wilderness proposal may be obtained from the Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo. 63960, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by July 28, 1972.

E. V. SCHMIDT,  
Acting Deputy Director, Bureau  
of Sport Fisheries and Wildlife.

APRIL 21, 1972.

[FR Doc.72-6520 Filed 4-27-72;8:50 am]

## Office of Hearings and Appeals

[Docket No. M72-35]

## GATEWAY COAL CO.

## Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of Gateway Coal Co. for modification of mandatory safety standard (sec. 303(f)), Docket No. M72-35.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (1970)), notice is given that Gateway Coal Co. has filed a petition to modify the application of 30 CFR 75.305 to its Gateway Mine.

30 CFR 75.305 is a repetition of section 303(f) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 863(f) (1970), which reads as follows:

(f) In addition to the preshift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Petitioner states that the Gateway Mine is an old mine with many worked-out areas and that the return air entries from Browns Run Shaft to the mouth of the river cannot be traveled today because of numerous roof falls. Petitioner asserts that exorbitant expenditures and years of work would be required to restore the returns to a travelable condition. Petitioner proposes to establish five air measuring stations at certain locations in the returns at which methane and air readings will be made by a certified person and that this will assure that the criteria of section 303(f) will be met. Petitioner asserts that this alternate procedure will guarantee to the miners no less than the measure of protection afforded by section 303(f).

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

APRIL 20, 1972.

[FR Doc.72-6482 Filed 4-27-72;8:46 am]

[Docket No. M72-36]

## POCAHONTAS FUEL CO.

## Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of Pocahontas Fuel Co. for modification of mandatory safety standard (sec. 308(f)), Docket No. M72-36.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (1970)), notice is given that the Pocahontas Fuel Co., a division of Consolidation Coal Co., has filed a petition to modify the application of section 308(f) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 868(f) (1970), to the Imman Nos. 1, 2, 3, and 4 Mines, Bishop Nos. 33 and 34 Mines, and Jenkinjones Mine.

Section 308(f) reads as follows:

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

Petitioner states that it is using high-voltage potheads at the mines listed and that the potheads were designed as cable terminations rather than cable couplers and are therefore not subject to section 308(f). It states, however, that the Bureau takes the position that the potheads are couplers and are not in compliance with section 308(f). Petitioner asserts that if this is so the application of the standards set forth in section 308(f) will result in a diminution of safety in its mines. It requests that it be permitted to continue the use of the potheads as they are presently installed.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington,

VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.  
[FR Doc.72-6483 Filed 4-27-72;8:46 am]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH

## Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Utah natural disasters have caused a general need for agricultural credit:

Counties:	Utah.
Box Elder.	Washington.
Davis.	Weber.
Salt Lake.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after December 31, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation. Emergency loans will be made under this designation only to producers of fruit in the above-named counties.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of April 1972.

EARL L. BUTZ,  
Secretary.

[FR Doc.72-6504 Filed 4-27-72;8:47 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-461; NADA No. 7-987V]

## WINTHROP LABORATORIES

## Chloroquine Hydrochloride; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of October 4, 1969 (34 FR 15504, DESI 7-987V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Aralen Hydrochloride NADA (new animal drug

application) No. 7-987V (a product containing chloroquine hydrochloride), marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., Rensselaer, New York 12144. The announcement invited the holder of said new animal drug application and any other interested persons to submit revised labeling or adequate documentation in support of the labeling used.

No approvable revised labeling has been submitted in response to said announcement and available information fails to provide substantial evidence that this drug will have the effect it purports to have when administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, notice is given to Winthrop Laboratories and to any other interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) withdrawing approval of NADA No. 7-987V, including all amendments and supplements thereto.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 7-987V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above cited drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-83, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds entitled to protection as a trade secret will not be open to the

public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 19, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-6518 Filed 4-27-72; 8:50 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 72-66N]

### BOATING SAFETY

#### Designation of Source of Information for Grants

The U.S. Coast Guard, by authority of the Federal Boating Safety Act of 1971, 46 U.S.C. § 1451 et seq., and the delegation of authority to the Commandant from the Secretary of Transportation, 49 CFR § 1.46(o)(1), is authorized to establish grants to national nonprofit-public service organizations for the purpose of conducting national boating safety activities. Full details may be obtained by contacting:

Chief, Office of Boating Safety, U.S. Coast Guard Headquarters, 400 Seventh Street, S.W., Washington, DC 20590, Telephone: (202) 426-1080, Attention: LCDR Harry E. Obedin.

Dated: April 25, 1972.

W. L. MORRISON,  
Rear Admiral,  
U.S. Coast Guard, Chief Counsel.

[FR Doc. 72-6524 Filed 4-27-72; 8:48 am]

### Coast Guard

[CGD 72-72N]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 24, 1972, to March 7, 1972 (List No. 8-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

#### DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/142/3, mechanical davit, steel straight boomsheath screw, Type 24-40, MKII; approved for a maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement dwg. 5011-1E, alteration E dated April 13, 1967, and drawing list GA-5011-2D dated April 14, 1967, manufactured by Marine Safety

Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.032/142/3 dated May 11, 1967 and change of address of manufacturer.)

Approval No. 160.032/173/0, gravity davit, Type 26-15; approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using two-part falls; identified by general arrangement dwg. D1-F-006, Revision C dated April 14, 1967, and drawing list DL-DIF-006 dated April 28, 1967, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.032/173/0 dated May 18, 1967, and change of address of manufacturer.)

#### HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/10/2, Type X, hand-propelling gear identified by assembly dwg. No. 99-2, revision B dated April 12, 1957, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.034/10/2 dated June 1, 1967, and change of address of manufacturer.)

#### LIFEBOATS

Approval No. 160.035/89/4, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, nine-person\* capacity, identified by general arrangement and construction dwg. No. 49R-1612 dated August 27, 1950 and revised January 28, 1972, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant, approved for 12-person capacity for replacement lifeboats, 46 CFR 160.035-13(c) Marking, Weights: (steel gunwale) Condition "A"—1,050 pounds; Condition "B"—3,615 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective February 28, 1972. (It reinstates and supersedes Approval No. 160.035/89/3 terminated December 4, 1971.)

#### LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

Approval No. 160.040/3/0, Kilgore's general arrangement dwg. No. BP-4158-1-1 dated January 12, 1972, dwg. No. SP-150 revised May 31, 1956; dwg. CP-4140-1-1 dated December 21, 1971; dwg. No. CP-4153-1-1 dated December 21, 1971; dwg. No. BP-4160-1-1 dated January 13, 1972, and drawing list dated February 24, 1972, Model No. GR-52-A2, rockets made to dwg. No. BP-4137-1-1; BP-4136-1-1; CP-4153-1-1, and CP-4140-1-1 with Approval No. 160.040/3/0 may be used with Kilgore's Launcher Model GR-52-A1, manufactured by Kilgore Corp., Toone, Tenn. 38381, effective February 24, 1972.

#### KITS, FIRST AID, FOR MERCHANT VESSELS

Approval No. 160.041/3/0, first-aid kit, Model No. 600 M, dwg. No. 100A dated

February 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, IL 61102, effective March 1, 1972. (It is an extension of Approval No. 160.041/3/0 dated May 2, 1967.)

#### BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/511/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/511/0 dated May 9, 1967.)

Approval No. 160.047/512/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/512/0 dated May 9, 1967.)

Approval No. 160.047/513/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/513/0 dated May 9, 1967.)

#### BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/206/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.048/206/0 dated May 9, 1967.)

#### BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/350/0, Type II, Model BVA, adult vinyl-dip coated unicellular plastic foam buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 148 Fordyce Street, Dallas, TX 75207, effective March 3, 1972. (It is an extension of Approval No. 160.052/350/0 dated May 26, 1967.)

#### LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/68/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg.

No. 160.055-IB (Sheet 1 and 2), manufactured by Crawford Manufacturing Co., Third and Decatur Streets, Richmond, VA 23212, effective March 2, 1972. (It is an extension of Approval No. 160.055/68/0 dated May 25, 1967.)

Approval No. 160.055/69/0, Type IB, Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160055-IB (sheet 3 and 4), manufactured by Crawford Manufacturing Company, third and Decatur Streets, Richmond, VA 23212, effective March 2, 1972. (It is an extension of Approval No. 160.055/69/0 dated May 25, 1967.)

Special Purpose Water Safety Buoyant Devices for Designated Use on All Motorboats and for General Use on Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire

Approval No. 160.064/1/2, adult medium, competition vest, model GT-5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 6, 1972.

Approval No. 160.064/2/2, child medium, competition vest, model GT-5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 6, 1972.

Approval No. 160.064/12/0, 18-inch koroseal foam ring buoy, model XS-18, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-12, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, CT 06418, effective March 7, 1972.

Approval No. 160.064/13/0, 19-inch ring buoy, vinyl dipped unicellular plastic foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 7, 1972.

Approval No. 160.064/18/2, adult large, competition vest, model GT-5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-16, manufactured by Gentex Corporation, Carbondale, Pa. 18407, effective March 6, 1972.

#### SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig. 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators dwg. No. S4785, dated February 27, 1952, approved for a maximum pressure of 30 p.s.i. in the following sizes:

#### CAPACITY—POUNDS PER HOUR

Size (Inches)	At 15 p.s.i.	At 30 p.s.i.
3/4	98	148
1	163	246
1 1/4	204	307
1 1/2	294	443
2	457	688
2 1/2	653	983
3	980	1,475

manufactured by The Lunkenheimer Co., Post Office Box 360, Annex Station, Cincinnati, OH 45214, effective March 2, 1972. (It is an extension of Approval No. 162.012/8/0 dated May 3, 1967.)

#### DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/9/0, RAECOLITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-76; F.R. 1866 dated August 9, 1941, approved for use without other insulating material as meeting Class A-60 requirements in a 1 3/4 inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle, WA 98108, effective March 1, 1972. (It is an extension of Approval No. 164.006/9/0 dated May 2, 1967.)

Approval No. 164.006/23/0, DEX-O-TEX MAGNABOND No. 1 composite and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-116; F.R. 2395 dated July 11, 1945, approved for use without other insulating material as meeting Class A-15 requirements in the thickness noted below:

DEX-O-TEX Subkote No. 1 underlay one-fourth inch plus magnesite overlay three-eighths inch.

Manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, NJ 07204, effective March 1, 1972. (It is an extension of Approval No. 164.006/23/0 dated May 5, 1967.)

#### INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/7/0, Gold bond A-C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Co., Buffalo, N.Y. 14202, effective March 1, 1972. (It is an extension of Approval No. 164.009/7/0 dated May 2, 1967.)

Approval No. 164.009/98/0, "J-M Foil-Faced Marine Microlite Duct Insulation," aluminum faced fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2141; F.R. 3678 dated March 1, 1967, and Commandant (MMT-3) letter dated March 9, 1967, approved in a density of 0.6 through 2 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, Plant: Defiance, Ohio, effective March 1, 1972. (It is an extension of Approval No. 164.009/98/0 dated March 9, 1967.)

Dated: April 25, 1972.

G. H. READ,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Merchant Marine Safety.

[FR Doc. 72-6525 Filed 4-27-72; 8:50 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-171]

### PHILADELPHIA ELECTRIC CO.

#### Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 4 to Provisional Operating License No. DPR-12. The license presently authorizes the Philadelphia Electric Co. to possess, use, and operate the Peach Bottom Atomic Power Station Unit No. 1 located in York County, Pa., at power levels up to 115 megawatts (thermal). Amendment No. 4 amends the license to permit the receipt, possession and use of 25 grams of plutonium 239 for use in test fuel elements in connection with operation of the facility, in accordance with the company's application Amendment No. 18 dated April 10, 1972.

The Commission has found that the application for the amendment complies with the provisions of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission also has found that prior public notice of proposed issuance of this license amendment is not required since the operation of the facility in accordance with the terms of the license, as amended, does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated April 10, 1972, and (2) Amendment No. 4 to the license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of April 1972.

For the Atomic Energy Commission,

DUDLEY THOMPSON,  
Acting Assistant Director for  
Reactor Operations, Division  
of Reactor Licensing.

[FR Doc. 72-6498 Filed 4-27-72; 8:47 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 20650; Order 72-4-114]

### AIR TRAFFIC CONFERENCE OF AMERICA

#### Order Disapproving Agreements and Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1972. Agreements among the members of the Air Traffic Conference of America establishing new financial standards and fees for travel agents, Agreements CAB 20727 and 20727-A1, Docket 20650.

By this order we are disapproving that part of a resolution adopted by the air carrier members of the Air Traffic Conference of America (ATC) which establishes credit evaluation procedures to review the applications of travel agents holding or seeking appointment to represent domestic air carriers. We are deferring action on that part of the resolution dealing with the establishment of a revised fee schedule for agents (not to be confused with travel agent's commissions) to allow the ATC carriers to sort out from such part those aspects which relate to the credit evaluation procedures.

**Background.** By Order 71-8-5, August 2, 1971, the Board deferred action and invited comment on the agents' financial responsibility resolution (hereinafter denominated as the financial resolution) submitted by the ATC proposing extensive revisions in the business relationships between the ATC carriers and their sales agents. The financial resolution would, inter alia, (a) delete the requirement that agents procure a bond for the benefit of ATC members, (b) establish, in lieu of bonding, specific credit evaluation procedures and criteria for both prospective and existing agents under an ATC-administered program,<sup>1</sup> (c) increase agents' application and an-

<sup>1</sup> The program contemplates the following: (a) Each applicant submits to ATC prescribed financial and credit data; (b) such data is evaluated by the ATC staff; if deemed satisfactory, the applicant is approved from a financial standpoint; (c) if the evaluation does not support such an approval, the application is referred by the Executive Secretary of ATC to the Credit Review Subcommittee of the ATC Agency Committee (NOTE: when the financial statement of an applicant (or of an approved agent) fails to reflect a cash balance of \$10,000 or a tangible net worth of at least \$15,000 the matter is automatically referred to the subcommittee for review); (d) if the subcommittee findings are unfavorable, the matter must be referred to the full ATC Agency Committee, which is empowered to approve or disapprove the application; and (e) as a last resort the matters may be submitted to arbitration.

nual fees,<sup>3</sup> and (d) increase the annual fee payable by certain carriers concurring in the ATC standard agent's ticket and area settlement plan (settlement plan).

Comments were filed by the air carrier members of ATC; the American Society of Travel Agents, Inc. (ASTA); the Association of Retail Travel Agents (ARTA); Victor O. Schinnerer and Co., Inc. (Schinnerer); the U.S. Department of Justice (DOJ); and various individual travel agencies.

In Order 71-8-5 the Board raised the question of whether ATC should be so closely involved in passing on the financial credentials of applicants and existing agents alike. In light of what appeared to be an unmistakable element of subjectivity inherent in the proposed credit evaluation system, the Board posed the question as to whether the carriers' interest might not best be served by having the financial evaluation of agents conducted on an independent and impartial basis. Thus, the Board asked whether cogent reasons could be advanced to rebut any claim that the proposed credit review procedures would be used to restrict unduly entrance into the travel agency field.

*Replies to Order 71-8-5.* The ATC carriers assert, inter alia, that it is entirely proper for them to be intimately and exclusively involved in the credit evaluation of prospective agents for it is axiomatic that he who bears the financial risk of agency default should have the right to evaluate that risk. In addition, the carriers claim that the procedures built into the evaluation system initially assure fairness<sup>4</sup> and should dispel any doubts the Board may have that the evaluation would be conducted in any

<sup>3</sup>The total fee schedule applicable to agents is as follows:

Application fees	Present	Proposed	Non-refundable
New agent.....	\$50	\$500	\$100
Additional location.....	30	250	100
Transfer.....	50	250	100
New location.....	30	100	50
Change of name.....		25	

If an application is disapproved, the fee is refundable except to the extent shown above. Based upon 1969 application volumes, ATC estimates that the proposed fees above would have resulted in collections of \$422,850 versus expenses of \$439,641.

Annual fees	Present	Proposed	Non-refundable
Main office.....	\$20	\$75	
Branch office.....	10	50	

<sup>1</sup>(Note: The Board, by Order 72-2-7, dated Feb. 2, 1972, approved an increase in these fees to \$50 for the calendar year 1972.)

<sup>4</sup>ATC cites the four opportunities an applicant would have to pass the credit evaluation test; i.e., (1) evaluation of the credit standing of an applicant or agent by a member of the ATC credit staff; (2) review by the Credit Review Subcommittee of an applicant or agent whose credit standing was found to be deficient by a member of the credit staff; (3) review by the full ATC Agency Committee of a finding by the Credit Review Subcommittee that an applicant's or agent's credit rating is unsatisfactory; and (4) in the event the Agency Committee

arbitrary or capricious manner.<sup>4</sup> ATC notes that the ATC credit evaluation worksheet is as objective as possible, recognizing that credit evaluation is an unprecise science. Experience under the program, according to ATC, would dictate what changes, if any, would be required to improve the fairness and objectivity of the criteria.<sup>5</sup>

As concerns the proposed increases in travel agent application and annual fees, ATC points out that such increases are fully justified on the basis of costs of administering the agency program, including those related to the proposed credit evaluation system. Various tables submitted by ATC reflect receipts and expenses of the proposed agency program based upon 1971 data. One such table shows that if the proposed fee schedule and credit program had been in effect in 1971, total fees collected would have been \$1,012,775 (for both applicants and existing agents) and total expenses would have been \$1,396,392, presenting a deficit of \$383,617.<sup>6</sup>

renders a decision disapproving an applicant or agent, the right of the disapproved party to submit such decision to binding arbitration.

<sup>4</sup>ATC rejects ARTA's proposal that the initial credit analysis be conducted by an independent third party selected by ATC and the agents with equal representation of agents and airlines on any review committee. In this connection, ATC cites the undesirability of agents judging the credit of present or potential competitors. However, ATC asserts that it might accept a third party credit evaluation, provided the third party is the CAB or a financial expert appointed by the CAB.

<sup>5</sup>ATC notes the worksheet uses a numerical rating to quantify the basic three C's of credit, i.e., character, capacity, and capital. It gives 50 percent weight to character and capacity and 50 percent to capital. Three points are given to an agent who has operated an agency 5 years or more. If the applicant or agent has engaged in other business activities with reasonable success, it obtains five points. According to ATC, if the past business activities were profitable, they were reasonably successful. If the owner or management of the applicant or agent is of good character, educational and business background and has a good prior employment record, it may obtain up to eight points. Character would be rated on the basis of honest dealing. In a similar manner, if an applicant or agent has a current ratio of 4+ it can obtain 12 points. If the principal has at least nominal outside income one point is given. A high bank opinion regarding owners or management results in two points for the applicant or agent. Another 29 points can be obtained by meeting various other financial tests. Thus 60 points is the maximum that can be obtained. Thirty-one points are needed under the proposal to show a satisfactory credit standing. In this connection, ATC states: "If it is the [ATC] working group's opinion, based upon the closely monitored experience under the program, that the 31 points passing score is too generous, the passing score will be raised. If, on the other hand, it is the opinion of the working group that the 31 points passing grade is too strict the number of points required to pass will be lowered \* \* \*"

<sup>6</sup>ATC states that the four categories of expenses for servicing home offices and branch locations on the agency list are: Publications, ticketing equipment, credit investigations, and general and administrative costs.

DOJ opposes approval of the agreement on the basis that the proposal may unnecessarily restrain admittance into the travel agency industry and constitute an illegal boycott under the Sherman Act. In view of past efforts of ATC to impose selection and retention standards on travel agencies, DOJ believes the financial resolution must be regarded as an effort to limit entry into the travel agency industry and to reduce the present participants in that industry.

ASTA expresses the view that while the financial resolution meets many of the objections of agents to the present bonding system, an extensive reexamination of the various proposals is not now warranted. ASTA asserts that there are currently before Congress various bills which would provide for Federal regulation of travel agents, including rules providing for "sound financial practices by registered travel agents." In the light thereof and because of DOJ's views, ASTA suggests that the Board defer action on the matter pending the outcome of the Federal licensing proposals. In the meantime, ASTA asks that the present bonding requirements be reduced.

ARTA reiterates its opposition to the present bonding system, but states that it cannot support a program where ATC would act as prosecutor, judge and jury—"such resolution could prove more onerous than the present system." ARTA believes action on the financial resolution should be deferred until the Board's investigation of the ATC bylaws is completed.<sup>7</sup> Alternatively, ARTA requests that Board approval of the financial resolution be conditioned (a) to disapprove the worksheet and compel development of a new worksheet by airline and agency representatives, (b) to require the inclusion of agent representatives on the ATC Credit Review Subcommittee, and (c) to provide that agents not having a late remittance during the foregoing year be exempted from the review process.

Schinnerer supports the position of DOJ and argues that the subjective criteria embodied in the financial resolution create an undue risk that ATC will use the criteria to limit entry into the agency business.

On November 5, 1971, ATC carriers filed a consolidated reply to the comments of DOJ, ARTA, ASTA, and Schinnerer stating, inter alia, that (1) the financial resolution is a sincere effort to assure the financial integrity of travel agents, (2) the airline industry has no intention of using the financial resolution as an invidious tool for restricting entry into the travel agency industry, and (3) there is no basis for a reduction in the bond requirement as suggested by ASTA; in fact ATC asserts that if the credit evaluation program is disapproved the carriers will consider increasing the level of bond coverage. ATC also rejects

<sup>7</sup>See Order 71-6-127, June 24, 1971, initiating the ATC Bylaws Investigation, Docket 23542; the prehearing conference is scheduled for May 1, 1972.

ARTA's suggestions for a travel agent representative on the Credit Review Subcommittee and for exemption of certain agents from the credit review requirement. Insofar as the proposed fee schedules in the financial resolution, ATC asserts that even if the Board should disapprove the credit evaluation phase of the resolution the Board should approve the new fee schedule.

Most individual travel agencies filing comments and expressing opinion on the credit evaluation procedures and revised fee schedule were against such procedures and fees. On the other hand, half (4) of the agents who expressed opinions on the bonding program were in favor thereof. In addition, one agency suggested that the Board consider an inventory method—through the prepayment of air transportation, for establishing financial responsibility.

*Determination of the Board.* As noted above, ASTA suggests action here be deferred pending outcome of Federal licensing proposals; ARTA asks that a decision be held over until after completion of the ATC Bylaws Investigation. Although there may be a relationship between the instant proposal and the other matters mentioned, it is not apparent that issues are sufficiently intertwined to warrant withholding a decision on the resolution.

Upon consideration of the foregoing, the Board has decided to disapprove the credit evaluation portion of the agreement and those related provisions and procedures which would become effective upon implementation of the proposed credit evaluation system.

In weighing the advantages and disadvantages of the credit evaluation portion of the instant proposal, it is important to recall the nature of the system to which the new procedures are intended to apply. Thus, on June 10, 1959, in issuing its opinion and order in Docket 8300, et al., the ATC Agency Resolution Investigation,<sup>9</sup> the Board stated:

It must always be realized that the entire system of joint carrier screening of travel agencies is a substantial departure from the normal free competitive practices of our economy, and that it would be clearly in violation of the Federal antitrust laws were it not for the immunity extended by section 414 of the Act \* \* \*

And in this connection, the Board had earlier noted:

Where an agreement has among its significant aspects elements which are plainly repugnant to established antitrust principles, approval should not be granted unless there is a clear showing that the agreement is required by a serious transportation need or in order to secure important public benefits.<sup>9</sup>

Although we are not here reexamining the need for the agency program as a whole, we are concerned, through the financial resolution, with what is undoubtedly the single most important factor in the relationship between carriers and agents. The proposed financial

standards not only affect the continued appointment of more than 7,000 existing agents but, as importantly, will have a substantial impact on those presently unknown persons who in the future may seek to enter the agency field. This latter fact in particular places special responsibilities on the Board, bearing in mind the antitrust immunity which protects the system as a whole.

Two purposes of the financial resolution, as stated in our earlier order and not disputed, are: (1) To provide a mechanism for examining the financial health of applicant-agents and approved agents; and (2) to protect carrier funds in the hands of approved agents to a greater degree than is possible under the present bonding system. In short, the proposal is bottomed to a large degree on the belief that the carriers' interests will be more adequately protected under an ATC-administered credit program than under one which relies on bonding for the achievement of the above objectives.

The instant proposal presents the Board with a difficult choice. The carriers believe they have devised a good, workable procedure which has been made as objective as possible. They are also of the opinion that adoption of the financial resolution was responsive to expressions of concern within the agency industry over the efficacies of the bonding program. By contrast, major groups within the agency industry are not today of one mind, and, in fact, seemingly are somewhat undecided on a proper course of action.

In our earlier order in this proceeding we outlined the events which led to adoption by ATC of the bonding program. Suffice it to say here, such program reflected a strong desire on the part of the Board for the carriers to turn away from the use of broad and indefinite standards in judging agents' qualifications in favor of more objective requirements.<sup>10</sup> A major question, therefore, is whether the credit evaluation system now before us is any more acceptable than the requirement for agents to show a "satisfactory credit standing," which we overturned in favor of bonding. We have concluded that it is not, and we find no reason to permit a return to the use of a system which in large part utilizes essentially subjective procedures.

ATC contemplates use of the worksheet and various levels of review to determine if an applicant or agent is financially qualified for approval or retention as an agent. It appears, however, that the worksheet and the numerical rating system are manifestly subjective. For example, standards based on consideration of such matters as "reasonable success" of other business activities, "character, educational and business background, prior employment record, etc.," and "record of previous business failure," are undefined and subject to

nonuniform interpretation.<sup>11</sup> Furthermore, such a system, coupled with the substantial increase in application fees, places in the hands of ATC the means of restricting entry into the travel agency industry. As DOJ has pointed out, the proposed credit system removes the element of impartiality that exists under the present bonding program.

Admittedly, the instant proposal may be more scientific and specific than that which was in effect prior to bonding, and we do not question the good faith and sincerity of the carriers in their claim that the proposed credit evaluation procedure is as fair and objective as they can make it. The fact is, however, that the Board has no valid basis for judging the reasonableness of the "point" proposal; basically, acceptance would have to be at face value. Bearing in mind the antitrust implications, this is unacceptable. Nor would the Board have an adequate basis for evaluating future changes in the proposed system, which changes, we note, are already contemplated.<sup>12</sup> In this connection, it is not clear that a persuasive defense could be offered in rebuttal of a possible claim that in altering the procedure later on because experience proved it to be "too generous," the carriers were not in fact controlling entry into the agency field.<sup>12</sup>

The Board has stated before, and reiterates here, its concern that the carriers (and the public) be served by qualified and responsible agents. Yet there is nothing in the record to support a claim that the financial effect on the carriers under bonding is less acceptable than under the carrier-administered system which bonding supplanted. Nor do we have convincing evidence that the instant proposal will serve the carriers' objectives better than bonding. Agents have attacked bonding principally from the standpoint of its usefulness in protecting carrier funds; no importance has been placed on its significant value as a financial screening device. Some part of the cost obviously must be assigned to the latter aspect. A substitute arrangement would not be devoid of the cost to individual agents, e.g., the costs of the proposed ATC credit evaluation procedures are built into the fee schedule.

<sup>11</sup> Similar considerations led the Board, in Order 69-2-125, Feb. 25, 1969, to disapprove certain portions of ATC resolutions governing agents' appointments (CAB 5044-A-129 and 138).

<sup>12</sup> We recognize that an agent has four opportunities to pass the credit evaluation test: (1) ATC professional credit staff, (2) ATC Credit Review Subcommittee, (3) ATC Agency Committee, and (4) arbitration. In this connection, ATC notes that the Board is "certainly capable of dealing with problems, if any should arise," in the administration of the financial responsibility program. The Board is not convinced, however, that it could or should enmesh itself into the inner workings of this program to the extent necessary to achieve effective oversight of the ATC-administered procedures.

<sup>13</sup> Footnote 5, supra.

<sup>9</sup> 29 CAB 258, 264 (1959).

<sup>10</sup> Local Cartage Agreement Case, 15 CAB 850, 853 (1952).

<sup>10</sup> Bonding also expedites ATC's review of agents' qualifications.

Balancing all aspects of the matter, the Board is unable to conclude on this record that the costs of bonding warrant abandonment of the program.<sup>14</sup>

ATC has asked the Board to approve the proposed application and annual fee schedule even if it should disapprove the credit evaluation phase of the pending agreement. ATC points out that the present annual costs, even without the additional cost associated with the credit evaluation system, are already in excess of the proposed fees. Similarly, ATC notes that revenue derived from the proposed application fees would be insufficient to cover the cost of processing the five types of applications.<sup>15</sup>

In Order 71-8-5, the Board indicated that "a more detailed justification is needed of the basis of all proposed increases in fees." In replying, ATC submitted separate schedules showing generally allocations of total cost for items covered by both annual and application fees.<sup>16</sup> Furthermore, ATC offered to provide the data on which such schedules are based.

The Board finds that it does need additional information concerning these fees. In several instances the specific nature of the expense is not evident;<sup>17</sup> the absolute amounts of the proposed increases are very substantial;<sup>18</sup> and as presently constructed both types of fees include charges for credit investigations under the proposal which we have disapproved.<sup>19</sup> Then, too, it would appear appropriate for ATC to comment on the proposed increases in light of Phase II of the Economic Stabilization Program.<sup>20</sup> It would also be desirable to receive an explanation/justification for the various changes contemplated in the resolution concerning the procedures utilized in determining the amount of a fee or its

<sup>14</sup> The record in this proceeding does not provide a basis for determining whether either an upward or downward adjustment in the bonding requirement is appropriate. The Board shares the interest of the carriers and agents in keeping bond requirements (and cost) as low as possible. It would expect of course, that any proposal advanced by either carriers or agents to change the present formula would be fully documented.

<sup>15</sup> New agent; new branch; ownership; location change; and name change.

<sup>16</sup> The schedules presented by ATC are quoted in appendices A and B hereto, filed as part of the original document.

<sup>17</sup> We wish to know the basis for each expense item (labor, postage, printing, etc.) and more specifically the nature of each such item, e.g., what is included in "site inspections/reports" costing \$179, and in "processing applications" costing \$73; what is the basis for the "imprinter" cost (\$89) and why is the amount paid to ATC rather than to the manufacturer?

<sup>18</sup> Footnote 2, supra.

<sup>19</sup> Presumably, the allocation for credit investigations (\$24 in the annual fee schedule; \$49 in the application fee schedule) should be omitted, along with other items of expense, if any, related to the credit evaluation system.

<sup>20</sup> See Order 72-2-7, Feb. 2, 1972.

allocation (e.g., as contemplated in sections I.V and III.E).<sup>21</sup>

Based on the foregoing, the Board finds that all provisions of the financial resolutions, except those provisions relating to applicant and agency fees and fees paid by carriers concurring in the area settlement plan, are adverse to the public interest and should not be approved. The Board further finds, for the reasons expressed above, that it will defer action on the aforementioned provisions concerning fees and related matters.

Accordingly, it is ordered, That:

1. Action on sections I.C, I.P.I, I.T, I.V, II.A, II.D, III.A, III.C, III.E, IV, V, and VIII, of the financial resolution (Agreement CAB 20727 as amended by Agreement CAB 20727-A1) be and it hereby is deferred for consideration by the carriers in accordance with the review expressed herein;

2. All remaining sections and provisions of the financial resolution not described in ordering paragraph 1 above be and they hereby are disapproved;

3. All other requests in Docket 20650 be and they hereby are denied; and

4. This order shall be served upon the Air Traffic Conference of America, the American Society of Travel Agents, the Association of Bank Travel Bureaus, Inc., the Association of Retail Travel Agents, Victor O. Schinnerer and Co., Inc., and the Department of Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>22</sup>

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-6532 Filed 4-27-72; 8:49 am]

[Docket No. 24215]

#### AIRLIFT INTERNATIONAL, INC.

##### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 13, 1972, at 10 a.m., e.d.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report

<sup>21</sup> ATC should also provide justification for (a) those increased or additional carrier fees specified in this note, infra, and (b) the purpose for which such fees are to be utilized.

The Board will defer action on the following provisions of the financial resolution which concern ATC fees paid by applicants and agents, or matters related to such fees: Secs. I.C, I.P.I, I.T, I.V, II.A, II.D, IV, V, and VIII. The Board will also defer action on the following provisions of the financial resolution which increase or add fees to be paid by certain airlines concurring in the ATC settlement plan, or specify the purpose for which such fees are to be used: Secs. III.A, III.C, and III.E.

<sup>22</sup> Vice Chairman Gilliland dissenting.

served on April 24, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 24, 1972.

[SEAL] MERRITT RUHLEN,  
Hearing Examiner.

[FR Doc.72-6533 Filed 4-27-72; 8:49 am]

[Docket No. 18610]

#### SOUTHERN AIRWAYS, INC.

##### Postponement of Oral Argument

Route realignment investigation, new route authority phase.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter, now assigned for May 10, 1972 (37 F.R. 8019, April 22, 1972), is hereby postponed to May 24, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 25, 1972.

[SEAL] RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-6534 Filed 4-27-72; 8:49 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

#### Entry or Withdrawal From Warehouse for Consumption

APRIL 25, 1972.

On August 29, 1969, 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 comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional 2-year period beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck).

There is published below a letter of April 25, 1972, from the Chairman of the

Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1972, and extending through April 30, 1973, be limited to the designated level. 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  
Assistant Secretary for Re-  
sources.

ASSISTANT SECRETARY OF COMMERCE

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

APRIL 25, 1972.

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 August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1972 and for the 12-month period extending through April 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 26 (other than duck)<sup>1</sup>, produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,157,625 square yards.

Cotton textile products in Category 26 (other than duck)<sup>1</sup> produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1972, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period of May 1, 1971 through April 30, 1972. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)<sup>1</sup> may be exceeded by not more than 5 percent; for the limited carryover of short-

<sup>1</sup> The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

- 320...01 through 04, 06, 08
- 321...01 through 04, 06, 08
- 322...01 through 04, 06, 08
- 323...01 through 04, 06, 08
- 324...01 through 04, 06, 08
- 325...01 through 04, 06, 08
- 326...01 through 04, 06, 08
- 327...01 through 04, 06, 08
- 328...01 through 04, 06, 08

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, 1972 (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 the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic 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 rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary  
for Resources.

[FR Doc.72-6580 Filed 4-27-72; 8:51 am]

### CERTAIN COTTON TEXTILE PRO- DUCTS PRODUCED OR MANUFAC- TURED IN HAITI

#### Entry or Withdrawal From Warehouse for Consumption

APRIL 25, 1972.

On November 3, 1971, 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 Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a 5-year period beginning on October 1, 1971, and extending through September 30, 1976. Among the provisions of the agreement are those establishing a consultation level of 350,000 square yards equivalent for cotton textile products in each category not having a specific limit in Categories 39 through 63 for the first agreement year which began on October 1, 1971. Imports of cotton textile products in Category 51 from Haiti have exceeded the consultation level for the first agreement year.

Accordingly, there is published below a letter of April 25, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that upon publication of that letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Haiti and exported therefrom to the United States during the period beginning October 1, 1971, and

extending through September 30, 1972, be prohibited.

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

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

APRIL 25, 1972.

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 November 3, 1971, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective upon publication of this letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Haiti and which have been exported to the United States during the period beginning October 1, 1971, and extending through September 30, 1972.

Cotton textile products in Category 51, produced or manufactured in Haiti, 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.

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 Haiti and with respect to imports of cotton textiles and cotton textile products from Haiti 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 rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary  
for Resources.

[FR Doc.72-6581 Filed 4-27-72; 8:51 am]

## DELAWARE RIVER BASIN COMMISSION

### CERTAIN WATER RESOURCES PROJECTS

#### Notice of Public Hearing Regarding Payment of Fees and Charges

Notice is hereby given that the Delaware River Basin Commission will hold

a public hearing on Wednesday, April 26, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The subjects of the hearing are as follows:

I. Proposed regulation requiring the payment of fees and charges in connection with review of certain water resources projects. The text of the proposed regulation is as follows:

Whereas, review of proposed water resources projects pursuant to section 3.8 of the Delaware River Basin Compact has become a substantial program activity representing a major public cost; and

Whereas, certain categories of project review cases demand extended staff analysis and the use of expert consultants, the cost of which cannot always be forecast within the Commission's budget; and

Whereas, it is timely and in the public interest to initiate a program of allocating a portion of the costs of reviewing water resources projects to the applicant or project sponsor; now therefore

Be it resolved by the Delaware River Basin Commission:

1. A filing fee shall be paid to the Commission, according to the schedule herein, at the time of submission of each application for project review pursuant to section 3.8 of the Delaware River Basin Compact, subject to the provisions of section 2-3.5(a) of the Rules of Practice and Procedure.

2. The schedule of project review fees is the greater of (a) and (b) as follows:

(a) Minimum fee: \$25 for any project; and

(b) Alternative fee: One-tenth of 1 percent of the estimated project cost.

3. Project review fees under this regulation shall be required for the following categories of projects:

(a) Impoundments;

(b) Divisions of water into or out of the Delaware River Basin;

(c) Industrial water use and waste treatment facilities;

(d) Electric generating and transmission facilities;

(e) Petroleum product pipelines;

(f) Stream encroachments; and

(g) Withdrawal of ground water.

4. Water resources projects sponsored by other public agencies shall be exempt from fees or charges pursuant to this regulation. Projects subject to a charge by another signatory agency may be exempt from this regulation if such charge represents a reasonable reflection of the cost to the public of performing the project review.

5. Hearing charges: If any adversary hearing is required pursuant to the rules of practice and procedure, one-half of the charges of the official stenographer shall be paid by the sponsor or applicant and the hearing examiner may apportion the remainder for payment by the objectors. No apportionment of hearing costs may be made to any objector who withdraws prior to the hearing.

6. Revenues received pursuant to this regulation shall be covered into the Commission's general fund and be subject to specific appropriation by the Commission.

II. Proposed revisions to the eighth annual Water Resources Program as mandated by section 13.2 of the Delaware River Basin Compact. Revisions relate to development of water resources programs in the Basin.

III. Proposal to approve the following water pollution abatement schedule as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

(a) A-72-2—GAF Corp. Plant is located in Gloucester City, N.J., discharging into Zone 3 of the Delaware Estuary. Schedule would require recycling of all contaminated wastewater and that facilities to accomplish this go into operation no later than July 31, 1973. The allocation of 3,430 pounds per day of carbonaceous (first stage) oxygen demand for this discharge would be withdrawn and returned to the Zone 3 reserve.

IV. Proposal to amend the comprehensive plan so as to include the following project:

(a) Greater Pottsville Industrial Development Corp. A well water supply project to provide water service in the Frackville Industrial Park, Frackville, Schuylkill County, Pa. The new well would be designed to yield 40,000 gallons per day initially and 250,000 gallons per day ultimately. The water will pass through the city of Frackville sewage treatment system and discharge ultimately into the Susquehanna River Basin.

Copies of the proposed revisions to the Water Resources Program may be obtained from the Commission upon request. Documents relating to the other items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission (Telephone (609) 883-9500).

W. BRINTON WHITALL,  
Secretary.

APRIL 14, 1972.

[FR Doc. 72-6527 Filed 4-27-72; 8:48 am]

## ENVIRONMENTAL PROTECTION AGENCY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability of Comments

Appendix I below contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from March 16, 1972, to March 31, 1972, as required by section 102(2)(C) of the "National Environmental Policy Act" of 1969 and section 309 of the "Clean Air Act", as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II below contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III below contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: April 21, 1972.

SHELDON MEYERS,  
Director,  
Office of Federal Activities.

#### APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MARCH 16, 1972, AND MARCH 31, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00035-45: Rover Fuels Processing Facility	2	A
Do	D-AEC-00032-54: Contaminated Soil Removal Facility, Richland, Wash.	1	A
Do	D-AEC-00025-19: Bedrock Waste Storage Exploration	2	A
Do	D-AEC-00022-45: Rio Blanco Gas Stimulation Project	2	A
Do	D-AEC-00040-20: Pilgrim Nuclear Power Station	1	A
Do	D-AEC-00039-21: Turkey Point Plant Units 3 and 4	2	A
Do	D-AEC-00038-26: Point Beach Nuclear Plant	3	A
Do	D-AEC-00037-12: Calvert Cliffs Nuclear Power Plant	2	A
Corps of Engineers	D-COE-32317-04: Maintenance Andrews River, Harwich, Mass.	2	B
Do	D-COE-32310-07: Maintenance of Newton Creek, N.Y., Navigation Project	1	C
Do	D-COE-30026-12: Coastal Engineering Research Center Pier, Assateague Island, Md.	3	D
Do	D-COE-61135-20: Savannah National Recreation Area Ga. and S.C.	2	E
Do	D-COE-32151-25: Lower Detroit River and River Rouge, Wayne County, Mich.	2	F
Do	D-COE-32150-30: South Fork Zumbro River, Rochester, Minn.	1	F
Do	D-COE-25017-26: Milwaukee Diked Disposal Area, Milwaukee County, Mich.	1	F
Do	D-COE-36109-33: Red River Emergency Bank Protection, La. and Ark.	1	G
Do	D-COE-32323-34: Alpine Lake Project, Alpine, Tex.	2	G
Do	D-COE-36110-55: Lower Columbia Bank Protection Project	2	K
Do	D-COE-32316-57: Tesoro Tank Farm and Barge Slip	2	K

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Do.	D-DOT-41105-27: FA Route 7 Spur, Cook County, Ill.	2	F
Do.	D-DOT-40977-29: Defiance 15-14.09, Railroad Grade Separation Replacement, Defiance County, Ohio.	1	F
Do.	D-DOT-40961-29: State Route 112, Lucas County, Ohio.	1	F
Do.	D-DOT-51165-32: Arrowhead Airport, Canadian, Okla.	1	G
Do.	D-DOT-51164-32: Pryor Airport Pryor Creek, Okla.	1	G
Do.	D-DOT-51149-32: Carnegie Airport Carnegie, Okla.	2	G
Do.	D-DOT-51148-32: Ponca City Municipal Airport Ponca City, Okla.	2	G
Do.	D-DOT-51121-34: Garner Field, Uvalde, Tex.	1	G
Do.	D-DOT-51120-32: Lawton Municipal Airport Lawton, Okla.	1	G
Do.	D-DOT-51119-32: Antlers Municipal Airport Antlers, Okla.	2	G
Do.	D-DOT-41125-33: Interstate 630 Little Rock, Ark.	2	G
Do.	D-DOT-41124-34: State Highway 350 In Big Spring from Interstate Highway 20 along Owens Street to Loop 402.	2	G
Do.	D-DOT-41123-34: State Highway 71, 1.8 Miles east of West Point to Bastrop County line in Fayette County, Tex.	2	G
Do.	D-DOT-41104-34: Farm Market Road 2791, in Queen City North, Cass and Bowie Counties, Tex.	1	G
Do.	D-DOT-41100-39: RTCC, Ozark County, Mo.	2	H
Do.	D-DOT-41113-41: Highway Project AS-(2)2, Langdon, N. Dak.	2	I
Do.	D-DOT-51126-44: Mand-Ephraim Airport, Utah.	2	I
Do.	D-DOT-51162-41: Langdon, N. Dak., Airport Improvement.	2	I
Do.	D-DOT-51164-48: Phoenix Deer Valley Municipal Airport, Ariz.	2	J
Do.	D-DOT-41130-55: Oregon Coast Highway-Waterline Drive Section Newport, Lincoln County, Ore.	1	K
Federal Power Commission.	D-FPC-47044-34: Palo Pinto Generating Station Unit No. 3, Texas.	2	G
Do.	D-FPC-42011-00: Proposed Revised Tariff, El Paso Natural Gas.	2	J
Department of Housing and Urban Development.	D-HUD-85034-54: King County Multipurpose Stadium and Convention/Exhibition Complex.	2	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EFA COMMENTS

- (1) *General agreement/lack of objections.*  
The Agency generally:  
(a) Has no objections to the proposed action as described in the draft impact statement;  
(b) Suggest only minor changes in the proposed action or the draft impact statement; or  
(c) Has no comments on the draft impact statement.
- (2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to access fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Department of Defense	D-DOD-10017-18: Bombing and Target Range, BT-3 Brown's Island MCB, Camp Lejeune, N.C.	2	E
Department of the Interior	D-DOI-62010-08: Brigantine Wilderness Area, N.J.	1	E
Do.	D-DOI-6034-21: Big Cypress National Fresh Water Reserve, Fla.	1	C
Do.	D-DOI-62013-21: St. Marks Wilderness Area Refuge, Fla.	1	E
Do.	D-DOI-62012-19: Cape Romain Wilderness Area Charleston County, S.C.	1	E
Do.	D-DOI-62014-20: Wolf Island Wilderness Area, Ga.	1	E
Do.	D-DOI-60637-34: Padre Island National Seashore, Tex.	1	G
Do.	D-DOI-50130-41: Chase Lake National Wildlife Refuge, N. Dak.	2	I
Do.	D-DOI-50129-41: Lostwood National Wildlife Refuge, N. Dak.	2	I
Do.	D-DOI-34024-00: Pueblo Dam and Reservoir Frying Pan ARK. Project.	2	I
Do.	D-DOI-33017-48: Deep Well Drilling for Geothermal Resource Investigations Imperial Valley, Calif.	2	J
Do.	D-DOI-33017-48: Proposed Concrete Lining of Main Outlet Drain, Colorado River Front Work and Levee System, Ariz.	2	J
Department of Transportation	D-DOT-41119-05: Reconstruction Route 262, Plymouth, Conn.	3	B
Do.	D-DOT-51120-07: East-West Runway at Stewart Airport.	3	C
Do.	D-DOT-41098-11: L.R. 1082 Sec. 4 Cross Valley Expressway, Tarrant County, Tex.	2	D
Do.	D-DOT-40622-00: U.S. Route 16, 202, Concord Pike (I-95 interchange), Pennsylvania.	2	D
Do.	D-DOT-50041-00: Route 288 Bridge and Approaches, Sutherland.	2	D
Do.	D-DOT-41170-13: Route 92-Neamans Road, U.S. 13 to U.S. 202 New Castle County, Del.	2	D
Do.	D-DOT-41151-13: Route 141 Centre Road, New Castle County, Del.	2	D
Do.	D-DOT-41103-18: U.S. Highway 19E Bypass, Mitchell County, N.C.	1	E
Do.	D-DOT-41115-23: U-009-3 Davidson County, Tenn.	1	E
Do.	D-DOT-41114-22: S-202-F State Route 20, Lauderdale County, Ala.	1	E
Do.	D-DOT-41153-21: State Roads 41 and 43, Hillsborough and Pasco Counties, Fla.	2	E
Do.	D-DOT-41152-17: KY. 15-Hazard Bypass, Perry County, Ky.	1	E
Do.	D-DOT-41142-22: Brewton South Bypass, Escambia County, Ala.	1	E
Do.	D-DOT-41140-23: Widening of Chickamauga Dam Bridge and Construction of New Bridge and State Route 153 Connector Route, Hamilton, Montgomery County, Ala.	E	
Do.	D-DOT-41138-18: New Connector between U.S.-59-401 and I-85, Salisbury, Rowan County, N.C.	1	E
Do.	D-DOT-41118-17: AP-100-95-6L Somerset-London Road, Pulaski County, Ky.	1	E
Do.	D-DOT-41116-18: U.S.-220 Guilford-Randolph Counties, N.C.	1	E
Do.	D-DOT-51161-20: Fannin County Airport, Blue Ridge, Ga.	1	E
Do.	D-DOT-51147-20: Greene County Airport, Greensboro-Union Point, Ga.	1	E
Do.	D-DOT-51146-18: Ashe County Airport, West Jefferson, N.C.	1	E
Do.	D-DOT-51127-21: Fort Lauderdale-Hollywood International Airport.	1	E
Do.	D-DOT-40960-26: Stadium Freeway, Milwaukee County, Wis.	1	F
Do.	D-DOT-41108-27: FA Route 171 (Illinois 76) Boone County, Ill.	2	F
Do.	D-DOT-41106-29: St. Mary's South Connector, Anguilaize County, Ohio.	1	F

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-6415 Filed 4-27-72; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19122-19125; FCC 72R-114]

### STAR STATIONS OF INDIANA, INC., ET AL.

#### Memorandum Opinion and Order Enlarging Issues

In re applications of Star Stations of Indiana, Inc., Docket No. 19122, Files Nos. BR-1144, BRH-1276, for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind.; Indianapolis Broadcasting, Inc., Docket No. 19123, File No. BP-18706, for a construction permit for a standard broadcast station Indianapolis, Ind.; Central States Broadcasting, Inc., Docket No. 19124, Files Nos. BR-516, BRH-992, for renewal of license of KOIL and KOIL-FM, Omaha, Nebr.; Star Broadcasting, Inc., Docket No. 19125, File No. BR-1027, for renewal of license of KISN Vancouver, Wash.

1. This proceeding involves the mutually exclusive applications of Star Stations of Indiana, Inc. (Star), for renewal of license for Stations WIFE and WIFE-FM, Indianapolis, Ind.; and Indianapolis Broadcasting, Inc. (Indianapolis), for a construction permit for a standard broadcast station on the same frequency in Indianapolis, Ind. These applications were consolidated with the renewal applications of Central States Broadcasting, Inc., for renewal of license for Stations KOIL and KOIL-FM, Omaha, Nebr., and Star Broadcasting, Inc., Station KISN, Vancouver, Wash. (also Star stations), and the six applications were designated for hearing by Commission Order, FCC 70-1256, 35 F.R. 19209, pub-

lished December 18, 1970.<sup>1</sup> The Commission specified 25 issues, one of which (Issue No. 23) is a financial qualifications issue against Indianapolis inquiring into: "(a) Whether Jerry L. Kunkel (an Indianapolis stock subscriber) has sufficient funds to meet his stock purchase commitment; (b) whether the applicant can raise the \$250,000 in unencumbered capital upon which its bank loan is contingent; and (c) whether in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified." Presently before the Review Board is a petition to enlarge issues, filed November 30, 1971, by Star requesting misrepresentation, failure to disclose, lack of candor, and § 1.65 issues against Indianapolis, and clarification of Issue (23).<sup>2</sup>

#### FAILURE TO DISCLOSE § 1.65 AND RELATED ISSUES

2. Star alleges that Indianapolis misrepresented certain financial aspects of its application to the Commission, and, in addition, violated § 1.65 of the Commission's rules by failing to disclose substantial and material changes in the financial aspects of its proposal. The charges and counter-charges made in the pleadings involve five of 12 Indianapolis stock subscribers and are somewhat complex. Therefore, in order to simplify the presentation of alleged facts, and to clarify petitioner's requests and Indianapolis' and the Broadcast Bureau's oppositions, we will set forth the arguments of all three as they relate to each of the five Indianapolis principals. Star alleges have failed to adequately report their financial position and changes therein. First, according to Star, Jack C. Brinson is pledged to purchase 62½ shares or \$31,250 worth of Indianapolis stock and is relying upon his personal assets to meet the commitment. Star asserts that Brinson has failed to report the following facts to the Commission: (1) That the "in excess of \$35,000" of stock listed on the American Stock Exchange reported in Brinson's balance sheet has been sold; (2) that 3 months prior to the designation order he incurred a \$150,000 liability to the American Fletcher National Bank which he did not report in his balance sheet; and (3) that Brinson has purchased a home upon which there is a \$37,500 mortgage. Consequently, Star argues, Brinson has substantially reduced his liquid asset position and this reduction raises serious questions as to his ability to meet his subscription commitment. Star, however, is not challenging Brinson's ability to

meet his stock subscription agreement, but rather Indianapolis' failure to inform the Commission, as required by § 1.65, of these allegedly material and substantial changes in Brinson's financial position.

3. Indianapolis, in opposition, maintains that Brinson has paid \$6,687.50 of his commitment, thereby leaving a balance of \$24,562.50. Indianapolis submits that by a petition for leave to amend, filed December 1, 1971, and granted by the Hearing Examiner on December 6, 1971 (FCC 71M-1891), Brinson reported his intention to meet his stock subscription commitment through a bank loan.<sup>3</sup> Indianapolis further argues that Brinson never indicated an intention to rely upon any particular assets to meet his stock subscription. Indianapolis concedes that Brinson's liquid position has changed, but maintains that the Commission has never required a stock subscriber to always have liquid assets.<sup>4</sup> The Broadcast Bureau's argument essentially parallels that of Indianapolis with the additional argument that Star has failed to show that Brinson has insufficient assets to meet the subscription commitment. The Bureau alleges that Brinson's current balance sheet, dated November 15, 1971, and submitted into evidence at the hearing, shows that Brinson's assets total \$520,218 and his liabilities total \$187,500, thereby leaving a net worth of \$332,718, which is certainly sufficient, in the Bureau's view, to meet the balance of approximately \$22,000 which he owes on the subscription.<sup>5</sup>

4. Second, Star argues that Stanley C. Cederquist misrepresented or is guilty of lack of candor with respect to his financial showing. According to Star, Cederquist has subscribed to \$25,000 worth of Indianapolis stock. Star alleges that Cederquist omitted the following facts on his balance sheet: (1) That he personally guaranteed a loan for \$420,000; (2) that he is personally liable for approximately \$24,000 on revolving line-of-credit; and (3) that he has subsequently sold \$3,000 worth of stock. Star alleges that Cederquist testified at the deposition hearing that his present liquid assets would be insufficient to meet his subscription commitment and that he would have to rely upon a bank loan; however, Star asserts,

<sup>3</sup> Brinson submitted a letter from the American Fletcher National Bank, dated Nov. 30, 1971, extending a line-of-credit for \$25,000.

<sup>4</sup> Indianapolis also argues that Star used discovery proceedings as a fishing expedition in order to seek enlargement of issues. However, the Board has recently held, in a similar situation, that facts revealed at a discovery proceeding for the first time can be utilized as a basis for requesting enlargement of issues. See *Folkways Broadcasting Co., Inc.*, 33 FCC 2d 813, 816 n. 16, 23 RR 2d 944, 948-949 n. 16 (1972).

<sup>5</sup> The Bureau also predicates its entire opposition on the contention that the petition is untimely. However, as indicated in footnote 1, supra, the petition will be regarded as having been timely filed. Moreover, Star's petition raises serious public interest questions which warrant consideration on the merits. See *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148, 8 RR 2d 611 (1966).

<sup>1</sup> The Commission recently redesignated this proceeding for hearing (FCC 72-148, released Feb. 24, 1972); as a result, the instant petition will be regarded as having been timely filed. See *WPIX, Inc.*, (WPIX), FCC 72R-88, ----- FCC 2d -----, released Mar. 31, 1972.

<sup>2</sup> Also before the Review Board are the following related pleadings: (a) Opposition, filed Dec. 17, 1971, by Indianapolis; (b) opposition, filed Dec. 17, 1971, by the Broadcast Bureau; and (c) reply, filed Dec. 30, 1971, by Star.

Cederquist failed to report to the Commission his present need to rely upon a bank loan. In opposition, Indianapolis recites that Cederquist has paid \$6,750 of his subscription, leaving a balance of \$18,250. Indianapolis contends that Cederquist did not report the obligations upon which he is secondarily liable because they are contingent in nature and corporations are primarily liable for them; further, Cederquist, in Indianapolis' amendment of December 1, 1971, submitted a letter from a bank extending him credit, therefore indicating his intention to rely upon a bank loan to meet his stock subscription.<sup>6</sup> In its opposition, the Bureau notes that the \$420,000 guarantee agreement was made after the balance sheet was filed in 1969. The Bureau also notes that Cederquist's current balance sheet, filed November 15, 1971, and introduced into evidence at the hearing, shows very little change from the balance sheet filed with the application which revealed assets of \$770,000 and liabilities of approximately \$55,000; therefore, the Bureau urges, these contingent liabilities do not affect his financial position.

5. Third, Star argues that although Indianapolis principal, Walter S. Blackburn, subscriber of \$12,500 worth of stock, expressed in Indianapolis' application his intention to meet his commitment by a loan from the Indiana National Bank, Blackburn failed to indicate in his balance sheet certain liabilities which, Star asserts, might affect Blackburn's ability to secure his loan. The omissions, Star recites, are his failure to report the following: (1) A personal liability on a loan of \$140,000 by Indiana National Bank to a corporation in which Blackburn is a principal stockholder; (2) a line-of-credit of \$50,000; (3) a \$3,000 liability for an investment in a liquor store; and (4) a long-term mortgage of \$50,000. In opposition, Indianapolis asserts that Blackburn has paid \$1,875 of his commitment leaving a balance of \$10,625. According to Indianapolis, Blackburn is secondarily liable on the \$140,000 loan which is also secured by an office building; the \$40,000 line-of-credit on which he is secondarily liable has only been used twice and paid back since its creation in 1969; and his \$11,000 liability on the liquor store is not due for 2 years. Furthermore, argues Indianapolis, Blackburn's assets have increased from \$79,000 to \$183,950, and his net worth from \$54,100 to \$80,550. The Broadcast Bureau asserts that Blackburn testified at his deposition that he has had various discussions with officials of the Indiana National Bank and that at no time did any official indicate to him that the loan to meet his subscription was not still available. The Bureau therefore argues that it is safe to presume that Blackburn's loan is still available.

6. Fourth, Star alleges that, although Herbert Simon also submitted a bank letter indicating the availability of a

line-of-credit to meet his stock subscription commitment, he has failed to report to the Commission: (1) That stocks owned by him have since been sold or have decreased in value; (2) that he is a guarantor on a loan to finance real estate ventures; and (3) that he is a guarantor on several other notes. In opposition, Indianapolis notes that Simon has paid \$10,125 of his subscription, leaving a balance of \$27,375. Indianapolis represents that the corporation which Simon is associated with is primarily liable on all loans and that all loans are secured by real estate and buildings. According to Indianapolis, if Simon should become liable on any notes which he guaranteed, he would still be able to meet his commitment. The Bureau expresses the opinion that Star has not shown that the loan is not still available.

7. Finally, Star asserts that Indianapolis made false representations concerning subscriber Jerry Kunkel's interest in Indianapolis. According to Star, Indianapolis represented in its application that Kunkel's subscription for 62½ shares of stock (\$31,250) was to be met in the same manner as the other subscribers; however, Kunkel's deposition revealed that he was only to pay for \$10,000 worth of stock and the rest of the stock was to be given to him for services rendered as general manager of Indianapolis' proposed station. Star notes that a financial qualifications issue has been specified against Indianapolis to determine Kunkel's ability to meet his subscription commitment. See paragraph 1, supra. In opposition, Indianapolis explains that it has been its intention all along that Kunkel was to receive 10 percent (50 shares) of the stock offering for his services in the preparation and prosecution of Indianapolis' application and that he was to pay in cash for an additional 2½ percent (\$6,000). According to Indianapolis, Kunkel has paid \$1,867.50, leaving a balance of \$4,562.50. As further proof that it intended Kunkel to receive stock for services performed, Indianapolis notes that it only relied on \$225,000 in new capital in its original application, and not on the full \$250,000, which would result from 500 shares subscribed to at \$500 per share. The Broadcast Bureau asserts that it is not necessary for an applicant to report in the application that one of its principals will receive stock for services performed; therefore, failure to report the arrangement would not warrant addition of a misrepresentation issue.

8. In reply, Star argues that both Indianapolis and the Bureau have premised their oppositions to Star's petition on two faulty assumptions. First, each assumes that Indianapolis' financial position is sound which, according to Star, has not been proven; and, second, the opposition arguments disregard the main purpose behind § 1.65, which is complete disclosure of all significant facts called for by the Commission. Star contends that § 1.65 removes from the applicant and places before the Commission the discretion to determine whether significant changes in an applicant's circumstances

bear upon its basic qualifications. Star further asserts that presentation of all necessary information may save needless hearing time. With respect to this point, Star cites Indianapolis' failure to report Kunkel's stock-for-services agreement, which Indianapolis concedes should have been reported and if reported would have spared the Commission the necessity of adding Issue 23 (the financial issue against Indianapolis).

9. Section 1.65 requires an applicant to amend his application "when the information furnished in (the) application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred." Lake Erie Broadcasting Company, FCC 72R-91, \_\_\_\_\_ FCC 2d \_\_\_\_\_, released April 4, 1972. Furthermore, an applicant's failure to voluntarily disclose such information, even though the applicant may not believe the information to be of any decisional value to the Commission, may bear adversely on the applicant's qualifications to be a Commission licensee. See *Horne Industries, Inc.*, 28 FCC 2d 454, 21 RR 2d 851 (1969). See also report and order in Docket 14867, Reporting of Changed Circumstances, 29 F.R. 15516, 3 RR 2d 1622 (1964). Considered separately, perhaps the failure of each individual Indianapolis stock subscriber to initially disclose in the application or later report changes in his financial position would not require the addition of issues against Indianapolis; however, for the reasons hereinafter stated and because the omissions are numerous and involve five out of 12 stock subscribers,<sup>7</sup> appropriate issues are necessary. Since the charges made by Star involve the sale of assets and the acquisition of liabilities both before and after Indianapolis' application was filed, we will specify an issue permitting exploration of possible violations of both §§ 1.65 and 1.514(a).<sup>8</sup> Cf. *Lake Erie Broadcasting Company*, supra.

10. Indianapolis' contention that Brinson's, Cederquist's and Blackburn's liabilities on notes were not required to be reported because they were only secondarily liable is incorrect. The Board has held on several occasions that secondary liabilities must be reported by broadcast applicants. See e.g. *Folkways Broadcasting Co., Inc.*, 36 F.R. 3847, 3848, 21 RR 2d 211, 214 (1971). Indianapolis' reliance on *Mace Broadcasting Co.*, 25

<sup>7</sup> The Broadcast Bureau argues that Star has failed to comply with § 1.229 by not submitting supporting affidavits with its petition. Although Star has not submitted affidavits from persons having personal knowledge of the facts relied upon, as required by § 1.229(c), it does rely upon testimony taken at prehearing discovery depositions. Furthermore, the facts relied upon have not been contested by Indianapolis.

<sup>8</sup> Section 1.514(a) requires that: "Each application shall include all information called for by the particular form on which the application is required to be filed \* \* \*." FCC Form 301 requires all liabilities of an applicant's principals to be reported. See paragraph 10, *infra*.

<sup>6</sup> Cederquist submitted a letter from the Indiana National Bank, dated Nov. 26, 1971, extending to him a line-of-credit for \$20,000.

FCC 2d 621, 19 RR 2d 1135 (1970), for the proposition that the fluctuations in a stockholder's liquid assets do not constitute such a "substantial change" as to warrant a § 1.65 or misrepresentation issue, is misplaced. Mace is factually distinguishable from the instant case. In Mace, the petitioner argued that the applicant had violated § 1.65 by not reporting a decrease in the value of stock owned by one of its stockholders and that the stock constituted a substantial part of the applicant's liquid assets. The Board held that the decrease in the value of the stock was not a "substantial change" warranting § 1.65 issue because stocks by their very nature fluctuate in value and it would be difficult to develop criteria to determine what constitutes a substantial change without the necessity of the applicant reporting every change in value. In this case, however, we are not presented with only one isolated instance or with just the matter of fluctuating stock values, but with the sale of assets and the acquisition of liabilities by several Indianapolis stock subscribers. Likewise, Indianapolis' citation of Virginia Broadcasters, 16 FCC 2d 1024, 15 RR 2d 1016 (1969), to support its argument that an applicant's stockholder need not always have liquid assets, is inapposite. In Virginia, we did not add § 1.65 issue because we did not believe that the petitioner had shown that the acquisition of two business interests by an applicant's stockholder could affect the applicant's financial position. In the instant case, it is undisputed that more than one stock subscriber has omitted reporting liabilities which, we believe, could raise serious questions as to the soundness of the applicant's financial position. FCC Form 301, section III, 4(b), states that, "For each person (except financial institutions) who has agreed to furnish funds or purchase stock, but who has not already done so, submit a balance sheet or, in lieu thereof, a financial statement showing all liabilities and containing current and liquid assets \* \* \*." Indianapolis does not appear to have complied with this requirement. The Board, therefore, will add appropriate issues to inquire into these matters at the hearing. In our opinion, however, the facts do not warrant the addition of separate lack of candor or misrepresentation issues. Cf. United Television Co., 19 FCC 2d 1060, 17 RR 2d 467 (1969). Nevertheless, the general question of Indianapolis' candor may be examined under the issues being specified herein. Folkways Broadcasting Co., Inc., supra, 36 F.R. at 384 n. 8, 21 RR 2d at 215 n. 8.

11. Next, the Board is of the opinion that the circumstances surrounding Indianapolis' failure to report Kunkel's stock for services agreement warrants further inquiry at the hearing. We cannot agree with the Broadcast Bureau or Indianapolis that the \$25,000 difference between the \$250,000 Indianapolis indicates will come from the sale of 500 shares of stock at \$500 per share and the total existing and new capital stated as \$225,000 shows that Kunkel was to receive stock for services. Furthermore,

if, as Indianapolis now asserts, Kunkel was from the beginning to receive stock for services then it would appear that the bank commitment letter to Kunkel, submitted in Indianapolis' amendment of December 31, 1971, for the amount of \$28,000 and stating that the money is to be used by Kunkel to acquire Indianapolis stock, was unnecessary. In any event, sufficient questions have been raised concerning this matter to warrant exploration at the hearing. We do not agree with the Bureau that North American Broadcasting Co., Inc., 17 FCC 2d 299, 15 RR 2d 1329 (1969), stands for the proposition that an applicant need not report stock for services agreements in its application. In North American, the Board found that the applicant was not relying on monetary consideration as part of its financial proposal. The applicant specifically denied such an arrangement. In the instant case, Indianapolis in its opposition pleading has admitted the stock for services agreement with Kunkel; therefore, since the stock for services agreement is part of Indianapolis' financial proposal, the Board believes it should have been reported. In light of the apparent contradiction in statements by Indianapolis, i.e., that a stock for services agreement existed at the time it filed its application and the submission of a bank line-of-credit for Kunkel covering the entire cost of his subscription for 62½ shares, we believe a serious question arises as to whether Indianapolis misrepresented facts in its application. Consequently, we will add a misrepresentation issue against Indianapolis limited to an inquiry surrounding the stock for services agreement.

#### CLARIFICATION OF FINANCIAL ISSUE

12. Finally, Star requests the Review Board to clarify the scope of the financial issue specified against Indianapolis (Issue 23). See paragraph 1, supra. Star requested a clarification of Issue 23 from the Hearing Examiner but the Examiner refused to clarify the issue. The Examiner, Star explains, interpreted the issue as limited solely to Kunkel's financial position. Under the existing issue, Star asserts, Indianapolis should have the burden of proceeding with the evidence to establish the availability of the necessary funds for each of Indianapolis' principals to meet their subscription obligations.

13. We agree with the Broadcast Bureau's contention that Star's requested clarification of the financial issue is in reality an unauthorized appeal from the Examiner's ruling. In its petition, Star states that its request for clarification of the issue from the Examiner was denied because of " \* \* \* his (the Examiner's) belief that the parties were, in fact, requesting a holding whether or not Indianapolis had met its burden of proof, a decision which was premature prior to the holding of the hearing itself." Thus, it is clear that Star's request seeks to have the Examiner's ruling regarding the scope of Issue 23 reversed. Since the Examiner's permission to appeal has not been obtained by Star, its request must

be dismissed. See § 1.301 (a) and (b) of the rules. Cf. 5 KW, Inc., 31 FCC 2d 871, 22 RR 2d 1056 (1971).

14. Accordingly, it is ordered, That the petition to enlarge issues, filed November 30, 1971, by Star Stations of Indiana, Inc., is granted to the extent indicated below, is dismissed as it relates to the request for clarification of Issue No. 23, and is denied in all other respects; and

15. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Indianapolis Broadcasting, Inc., has failed to comply with the provisions of §§ 1.514 and/or 1.65 of the Commission's rules, and, if so, to determine the effect of such non-compliance on the applicant's basic or comparative qualifications to be a Commission licensee; and

(b) To determine whether Indianapolis Broadcasting, Inc., misrepresented facts to the Commission, and, if so, whether such conduct reflects adversely on the basic or comparative qualifications of Indianapolis Broadcasting, Inc., to be a Commission licensee.

16. It is further ordered, That the burden of proceeding with the introduction of evidence under the issues added herein shall be upon Star Stations of Indiana, Inc., and the burden of proof under such issues shall be upon Indianapolis Broadcasting, Inc.

Adopted: April 19, 1972.

Released: April 21, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>9</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01062----	Mayfair Tankers, Ltd.: Mayfair Prestige.
01191----	Leif Erichsens Rederi A/S and D/S A/S Forto: Geira.
01334----	American President Lines, Ltd.: President Van Buren.
01360----	Midland Enterprises, Inc.: B. John Yeager.
01428----	The Ocean Steam Ship Co., Ltd.: Akosombo.

[FR Doc. 72-6506 Filed 4-27-72; 8:48 am]

<sup>9</sup> Board member Berkemeyer absent.

Certificate No.	Owner/operator and vessels	Certificate No.	Owner/operator and vessels	Certificate No.	Owner/operator and vessels
01449	The Cairn Line of Steamships, Ltd.: Cairnrover.	06804	Taurus Navigation Corp.: Tavros.	06883	Toyo Yusen K.K.: Oriental Queen.
01861	BP Tanker Co., Ltd.: British Surveyor.	06813	Astro Dinamico Compania Naviera S.A.: Laertis.	06886	Laodice Shipping Co., Ltd.: Laodice.
02037	Shosen Mitsui Kyakusen K.K.: Nippon Maru.	06817	Compania Micasa S.A.: Nagata.	06887	Devcon International Corp.: Trident.
02496	United States Steel Corp.: Hughes 115.	04269	National Marine Service, Inc.: N.M.S. No. 1400. N.M.S. No. 1401. N.M.S. No. 3100. N.M.S. No. 3101.	By the Commission.  FRANCIS C. HURNEY, Secretary.	
02962	Nippon Kisen Kabushiki Kaisha: Shunyo Maru.	05577	Far Eastern Shipping Co.: Suchan.	[FR Doc.72-6528 Filed 4-27-72;8:49 am]	
03067	Vickers Towing Co., Inc.: Star. Betty. Cathy. Flora. Nita Vickers.	05578	Baltic Shipping Co.: Nikolai Krylenko. Boris Zhemchuzhin.	<b>FEDERAL POWER COMMISSION</b> [Docket No. CI72-688] <b>ALMOS GAS GATHERING CO.</b> Notice of Application APRIL 25, 1972.	
03501	Osaka Shosen Mitsui Senpaku K.K.: Chikumasen Maru. Kunimisan Maru.	06820	Carnical Cruise Lines, Ltd.: TSS Mardi Gras.		
03517	Tokyo Kaiji Kabushiki Kaisha: Satsuki Maru.	06821	Anglo-Eastern Bulkships, Ltd.: Chemical Explorer.	Take notice that on April 19, 1972, Almos Gas Gathering Co. (applicant), 508 Broadway National Bank Building, 1177 Northeast Loop 410, San Antonio, TX 78209, filed in Docket No. CI72-668 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Silva Area, Bee County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.	
03974	Crosbie Services, Ltd.: George Crosbie.	06822	Port Marine Service, Inc.: W-112.		
04196	Thomas Marine Co.: J. F. Lamb. SC-30.	06824	Ocean Transport, Inc.: M/V Aragonite Islander.	Applicant commenced the sale of natural gas to United on March 12, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (157.29) and proposes to continue said sale for 1 year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 22,500 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a.	
05007	Northern Transportation Co., Ltd.: Frank Broderick. Pinnebog.	06833	Mediterranean Klif Shipping Co., Ltd., & A. H. Basse & T. Gunnar Jensen & J. Poulsen Dannebrog: Mediterranean Klif.		
05010	Mt. Vernon Barge Cleaning, Inc.: MVBC-2.	06835	Partrederiet for T/T Sea Soldier: Sea Soldier.	It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before May 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.	
05038	Companhia Nacional de Navegacao: Ana Mafalda.	06851	Kulu Tanker Corp., Ltd.: Kulu.		
05579	Black Sea Shipping Co.: Zadonsk. Zorinsk. Parizhskaya Kommuna. Valentin Khutorskoy. Kapitan Shantsberg. Svetlogorsk. Kapitan Alekseev.	06852	Naves Galantes Navegacion, S.A.: Gondwana.	Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
05704	Murmansk Shipping Co.: Tonia Bondarchuk.	06853	Shipping Co. Knud I. Larsen: Eva Sif. Inger Kansas. Gudrun Kansas. Dorrit Lea. Anne Lea. Margrethe Sandved. Svend Sif. Peter Sif. Ole Sif. Nikolaj Sif. Martin Sif. Leon Sif. Knud Sif. Holger Sif. Hermann Sif. Henrik Sif. Hans Sif. Eyvind Sif. Carsten Sif.		
06060	Sunshine Shipping Co., S.A., Panama: Nicolaos H.	06854	United International Ore Carriers, Ltd.: Trentwood.	The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06177	Burmah Oil Tankers, Ltd.: Burmah Topaz.	06855	South Atlantic Transport Co. of Liberia, Inc.: Piso.		
06184	First Silver Cloud Shipping, Inc.: Silver Cloud.	06857	Estrella Neptunea Navegacion S.A.: Lady Clio.	The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06248	Commercial Corp. "Sovrybflot": Okhotskoye-More.	06859	Tridente Galante Navegacion S.A.: Santa Maja.		
06278	Ianmaris Corp. S.A., Panama: Dinos M.	06868	Pronia Shipping Co., Inc.: Anangel Providence.	The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06399	Tokumarai Kaiun K.K.: Daitoku Maru No. 7.	06869	Armonia Shipping Corp.: M/V Armonia.		
06489	Dionysos Cia Naviera Sa Panama: Dodone.	06872	Maritime Services Corp.: New Victory.	The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06492	Transitoll Corp.: Delaware.	06874	Margarita Compania Naviera S.A. Panama: Margarita.		
06515	Avon Shipping Co. of Liberia: World Happiness.	06878	Italnavi Societa di Navigazione Per Azioni: Santa Augusta. Santa Anna Prima. Santa Cristina Prima. Ambronia. Aspra. Bordighera. Acradina. Sicilmotor. Italmotor.	The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06557	Kydon Compania Naviera S.A.: Mt. Lena.				
06676	Overseas Maritime, Ltd.: Majesty.			The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06686	Forest Shipping Corp.: <sup>1</sup> Forest Lake.				
06722	Cox Towing Corp.: Wildcat.			The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06744	Genangel Companio Naviera S.A.: Sissy.				
06768	Sea Contracting Corp.: Voita Wisdom. Voita Peace.			The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	
06788	Navieros Mundiales S.A.: M/V Pothiti.				
06799	Compagnie Generale Transatlantique (C.G.T.B.): Claude Debussy.			The authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections	

<sup>1</sup> Erroneously published as a revoked on Apr. 13, 1972.

7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-6493 Filed 4-27-72;8:46 am]

[Docket No. CI72-669]

## GENERAL CRUDE OIL CO. ET AL.

### Notice of Application

APRIL 25, 1972.

Take notice that on April 19, 1972, General Crude Oil Co. (Operator) et al. (applicant), Post Office Box 2252, Houston, TX 77001, filed in Docket No. CI72-669 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Lake Verret Field, Assumption Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on April 13, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 20,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-6494 Filed 4-27-72;8:47 am]

## NATIONAL GAS SURVEY

### Order Amending Orders

APRIL 25, 1972.

The Commission, on February 23, 1971, 36 F.R. 3851, issued an order authorizing the establishment of National Gas Survey Advisory Committees and prescribing procedures. On April 6, 1971, 36 F.R. 6922, the Commission issued an order establishing National Gas Survey Executive Advisory Committee and designating its membership and chairmanship. This committee constitutes " \* \* \* the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct and execution of the National Gas Survey", order issued April 6, 1971, paragraph "1. Purpose."

As a part of both of these orders, provision is made for the keeping of minutes of Executive Advisory Committee meetings in lieu of a verbatim transcript; order issued February 23, 1971, paragraph "4. Minutes"; and order issued April 6, 1971, paragraph "4." incorporating, by reference *inter alia*, the aforementioned paragraph "4." of the February 23 order. The meetings of the Executive Advisory Committee are conducted in accordance with the requirements of these orders, as well as the provisions of Executive Order No. 11007, 27 F.R. 1875.

<sup>1</sup> States as follows:

4. *Minutes.* The chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each committee.

Section 7 of the Executive order provides in part "The head of each \* \* \* agency \* \* \* may prescribe additional regulations, consistent with \* \* \* this order, to govern the formation or use of such committees \* \* \*." In accordance therewith, and considering the nature of the Executive Advisory Committee, the chairman of the Commission has determined that all meetings of the Executive Advisory Committee convened hereafter shall be open to members of the general public, as well as to Committee members; and that a verbatim transcript shall be kept of all such meetings of the Executive Advisory Committee. The transcript shall be retained within the public records of the Commission.

The Commission's aforesaid orders issued February 23, 1971, and April 6, 1971, are hereby amended in the following respects:

(A) Paragraph "4. Minutes" of the Commission's order issued February 23, 1971, is hereby changed to read:

4. *Minutes.* The chairman of the Commission having made a finding with respect to committees other than the Executive Advisory Committee that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each committee. A verbatim transcript shall be kept of all proceedings at all meetings of the Executive Advisory Committee convened hereafter, including as a part of the transcript the names of all persons present, their affiliation and the capacity in which they attend, all matters discussed, conclusions reached, and copies of all reports received, issued, or approved by the Committee.

(B) Paragraph "4. The following paragraphs of the aforementioned order issued February 23, 1971 \* \* \* 4. Minutes. \* \* \*" of the Commission's order issued April 6, 1971, is hereby changed to reflect therein the provisions of paragraph (A) above.

The secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER in accordance with the provisions of the Office of Management and Budget Circular No. A-63.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-6495 Filed 4-27-72;8:47 am]

## FEDERAL RESERVE SYSTEM NONDISCRIMINATION IN REAL ESTATE LOAN ACTIVITIES

### Poster Requirement

On December 29, 1971, the Board of Governors published in the FEDERAL REGISTER (36 F.R. 25168) a statement on

Civil Rights Act Nondiscrimination Requirements in Real Estate Loan Activities to encourage compliance with and increase public awareness of the requirements of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601). The Board's statement included a design of a poster, incorporating a facsimile of a logotype, to be displayed in the public lobbies of banking offices of State member banks.

In lieu of the poster design and logotype set forth in the December 29, 1971 notice, State member banks shall, effective May 1, 1972, display a revised poster, the design of which is set forth



**EQUAL HOUSING  
LENDER**

**We Do Business in Accordance With the  
Federal Fair Housing Law**

**IT IS ILLEGAL, BECAUSE OF RACE, COLOR,  
RELIGION, OR NATIONAL ORIGIN, TO:**

- Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or
- Discriminate in fixing of the amount, interest rate, duration, application procedures or other terms or conditions of such a loan.

**IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED  
AGAINST, YOU MAY SEND A COMPLAINT TO:**

Assistant Secretary for Equal Opportunity,  
Department of Housing and Urban Development,  
Washington, D.C. 20410.

or call your local HUD or FHA office.

[FR Doc.72-6380 Filed 4-27-72;8:45 am]

below. The Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development has granted a waiver to State member banks, in view of the Board's poster requirements, from the Fair Housing Poster Requirements described by Part 110 of that agency's regulations (24 CFR 110.25(b)).

Copies of the revised poster are being distributed free of charge to all State member banks.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

#### CAPITAL MANAGEMENT, INC.

#### Formation of Bank Holding Company and Proposed Retention of Brady Insurance Agency

Capital Management, Inc., Aurora, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to form a bank holding company through ownership of 80 percent or more of the voting shares of Bank of Brady, Brady, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Capital Management, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1943(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Brady Insurance Agency, Brady, Nebr. Notice of the application was published on February 15, 1972, in the Tri-City Tribune, a newspaper circulated in Dawson County, Nebr.

Applicant states that it will continue to engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 21, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-6499 Filed 4-27-72;8:47 am]

**FIRST CITY BANCORPORATION OF TEXAS, INC.**

**Order Approving Acquisition of Bank**

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842 (a)(3)) to acquire 80 percent or more of the voting shares of First National Bank in Arlington, Arlington, Tex. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls seven banks with aggregate deposits of \$1.3 billion, which amounts to 4.7 percent of deposits in commercial banks in Texas. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved to date.)

Bank (with deposits of \$43.4 million) is the fifth largest of 44 banks in the Fort Worth banking market and controls 2.4 percent of the deposits in that market. Since Applicant's closest subsidiary is located over 200 miles from Bank and Texas' laws prohibit branching, it appears that consummation of the proposed transaction would not eliminate any meaningful existing or potential competition. Additionally, the three largest banks in the market control 64 percent of such deposits and consummation of the proposal would have a pro-competitive effect by enhancing Bank's ability to compete.

Applicant will provide Bank with expertise in construction and mortgage lending, business and industrial development, and international banking. In addition, Bank will benefit from expanded lending capability through loan participations and the availability of credit as needed. Considerations related to the convenience and needs of the communities to be served lend weight in favor of approval. The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
April 21, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc. 72-6477 Filed 4-27-72; 8:45 am]

**FIRST NATIONAL HOLDING CORP.**

**Order Approving Acquisition of Dixie Finance Co.**

First National Holding Corp., Atlanta, Ga., a bank holding company registered under the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Dixie Finance Co. (Dixie), Atlanta, Ga. Notice of the application affording opportunity for interested persons to submit comments and views has expired and those received have been considered.

Applicant's banking subsidiary, First National Bank of Atlanta (First National), is the third largest bank in the State of Georgia and the second largest bank in the Atlanta Standard Metropolitan Statistical Area (SMSA), which is comprised of Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, and holds deposits of \$699.7 million representing 22.8 percent to total deposits in the Atlanta SMSA. (All banking data are as of June 30, 1970, unless otherwise indicated.) First National makes consumer installment loans through its headquarters office and branch offices throughout the Atlanta SMSA. As of December 31, 1970, First National held personal loans amounting to \$22.4 million, constituting 12.4 percent of the total personal loans made by the 58 banks and 79 finance companies making such loans in the Atlanta area. First National is thereby the largest personal lender in the Atlanta SMSA.

Dixie is a consumer finance company with total assets of \$17.5 million. It operates 54 offices in Georgia, of which five are in the Atlanta SMSA, 13 offices in Louisiana, and one office in Florida. Dixie makes direct cash loans on an installment basis to individuals and families under State small loan laws and sells credit insurance in connection with its lending activities. The five Atlanta offices of Dixie hold personal loans in the amount of \$1.6 million, constituting 0.9 percent of the market, and thereby ranks 26th of the 137 competitors in the Atlanta personal loan market.

Although First National and Dixie both compete for personal loan business in the Atlanta SMSA, consummation of the proposed acquisition would not have any significant adverse effect on existing competition since the market share of First National would be increased only 0.9 percent and there would remain a substantial number of independent competitors in the market.

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

Georgia branching law precludes the establishment of banking offices outside the Atlanta SMSA by First National. Therefore, the development of competition between First National and Dixie beyond the Atlanta SMSA is unlikely. Applicant is able to enter markets served by Dixie outside of the Atlanta area through the establishment of its own personal loan companies. However, the existence of many potential entrants into such personal loan markets diminishes any possible adverse effects that consummation of the proposed acquisition might have upon potential competition. The Board concludes that consummation of the proposed acquisition would not have a serious adverse effect upon existing or potential competition between Applicant and Dixie. Further, there is no significant possibility that the acquisition will have adverse effects on credit availability to independent finance companies.

It is anticipated that Dixie's affiliation with Applicant will give Dixie access to the greater resources of Applicant, and enable it to compete more effectively with other consumer finance companies in the areas in which it operates. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects that are not outweighed by public benefits that may be reasonably expected to be produced by consummation of the proposed acquisition.

Based upon the foregoing and other considerations reflected in the record, the Board hereby approves the application. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,<sup>1</sup>  
April 21, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc. 72-6476 Filed 4-27-72; 8:45 am]

**FIRST NATIONAL HOLDING CORP.**

**Order Approving Acquisition of Wholly Owned Consumer Finance Subsidiaries of Gulf Financial Corp.**

First National Holding Corp., Atlanta, Ga., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the wholly owned

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

consumer finance subsidiaries of Gulf Financial Corp. (Gulf), Atlanta, Ga., also a registered bank holding company. Notice of the application affording opportunity for interested persons to submit comments and views has been duly published. Time for filing comments and views has expired and those received have been considered.

Applicant's banking subsidiary, First National Bank of Atlanta (First National), is the third largest bank in the State of Georgia and the second largest bank in the Atlanta Standard Metropolitan Statistical Area (SMSA), which is comprised of Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, and holds deposits of \$762.4 million representing 22.8 percent of total deposits in the Atlanta SMSA as of June 30, 1970. (All banking data are as of June 30, 1971, unless otherwise indicated.)

The wholly owned consumer finance subsidiaries of Gulf had total loans outstanding of \$6.6 million as of June 30, 1971, and operate 38 offices in the State of Mississippi. Collectively, these subsidiaries constitute the third largest consumer finance operation licensed under Mississippi Small Loan Laws. These subsidiaries make high-risk direct cash loans on an installment basis to individuals and families and sell credit-related insurance in connection with their lending activities.

Although, as indicated above, First National does extend consumer credit, it is legally prohibited from operating an office outside of Fulton and DeKalb Counties and, therefore, is effectively prevented from competing for personal loan business in Mississippi. Applicant is able to enter the State of Mississippi de novo through the establishment of personal loan companies. However, the existence of many potential entrants into Mississippi personal loan markets diminishes any possible adverse effects that consummation of the proposed acquisitions might have upon potential competition in that State. The Board concludes that consummation of the proposed acquisition would not eliminate any existing or significant potential competition between applicant and the wholly owned consumer finance subsidiaries of Gulf. Further, there is no significant probability that the acquisition will have adverse effects on credit availability to independent finance companies.

Gulf Financial Corp. is a registered bank holding company holding total assets of approximately \$22.2 million as of December 31, 1970. It is anticipated that affiliation of Gulf's wholly owned consumer finance subsidiaries with applicant would give those subsidiaries access to the greater resources of applicant and enable them to compete more effectively with other consumer finance companies in the areas in which they operate. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board hereby approves the application. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,<sup>1</sup>  
April 21, 1972.

[SEAL]

TYNAN SMITH,  
*Secretary of the Board.*

[FR Doc. 72-6479 Filed 4-27-72; 8:45 am]

### FIRST STATE BANKING CORP.

#### Order Approving Formation of Bank Holding Company

First State Banking Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the following banks located in Florida: First State Bank of Miami, Miami (Miami Bank); Hialeah-Miami Springs First State Bank, Hialeah (Hialeah Bank); North Hialeah First State Bank, Hialeah (North Hialeah Bank); Airport First State Bank, Miami (Airport Bank); and Miami Lakes First State Bank, Miami (Miami Lakes Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, a nonoperating corporation, was formed for the purpose of acquiring the proposed group of five banks. Upon acquisition of Miami Bank (deposits of \$101 million); Hialeah Bank (deposits of \$75 million); North Hialeah Bank (deposits of \$17 million); Airport Bank (deposits of \$11 million); and Miami Lakes Bank which was opened December 1, 1971, applicant would control 1.38 percent of the State's deposits in commercial banks and would be Florida's 16th largest bank holding company (all banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972).

The five proposed banks are located in the northeastern portion of the Miami banking market, and upon consummation of this proposal, applicant would control 6 percent of the total deposits in the market and be the fourth largest banking organization. Although the serv-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

ice areas of the five banks overlap, no meaningful present competition would be eliminated by the proposed formation since this proposal represents a corporate reorganization of the five banks which have been closely affiliated over a long period of time. Common shareholders control 51 percent or more of the outstanding stock of each bank, and the group has a common directorate and shares banking services. The group competes with three larger banking organizations in the market controlling 27, 9, and 9 percent, respectively, of market deposits, one of which is the State's largest holding company. It appears that disaffiliation of the group is unlikely even in the absence of this proposal, and, therefore, consummation of the proposed formation would not significantly affect potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources of applicant and the proposed subsidiaries are satisfactory and consistent with approval, and it appears that prospects for the group are favorable. The formation would have no immediate effect on the convenience and needs of the communities involved, however some expansion and improvement in present services offered by the proposed subsidiaries are likely. Considerations relating to the convenience and needs of the communities to be served are, therefore, consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated - (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
April 21, 1972.

[SEAL]

TYNAN SMITH,  
*Secretary of the Board.*

[FR Doc. 72-6481 Filed 4-27-72; 8:46 am]

### IMPERIAL BANCORP

#### Order Approving Acquisition of Rayor Realty Co.

Imperial Bancorp, Los Angeles, Calif., a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire voting shares of the Rayor Realty Co., Los Angeles, Calif. (Rayor). Notice of the application affording opportunity for interested persons to submit comments and views was

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

duly published. The time for filing comments and views has expired and all received have been considered.

Applicant owns Imperial Bank in Los Angeles, whose deposits of \$84.4 million represent 0.3 percent of deposits in the Los Angeles banking market.<sup>1</sup>

Rayor, a nonoperating company, was formed in 1957 to engage in real estate brokerage activities. It has not engaged in such activities for the past 5 years<sup>2</sup> nor has Rayor engaged in mortgage banking activities in recent years. Accordingly, Applicant's acquisition of Rayor may be viewed as similar to de novo entry into mortgage banking. Therefore, Applicant's acquisition of Rayor will have no adverse effect on either existing or potential competition and will have the procompetitive effect of adding an additional firm to the mortgage banking industry.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,<sup>3</sup>  
April 21, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-6480 Filed 4-27-72;8:45 am]

## OLD KENT CORP.

### Formation of One-Bank Holding Company

Old Kent Corp., Grand Rapids, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of Old Kent Bank and Trust Co., Grand Rapids, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or

<sup>1</sup> Deposit data is based on June 1971 data; banking market share data is as of June 1970.

<sup>2</sup> Applicant realizes that real estate brokerage is not a permissible activity under section 4(c)(8) and has assured the Board that Rayor will not engage in real estate brokerage activities.

<sup>3</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 17, 1972.

Board of Governors of the Federal Reserve System, April 21, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-6500 Filed 4-27-72;8:47 am]

## GENERAL SERVICES ADMINISTRATION

### PAINT; LATEX BASE, INTERIOR, FLAT

#### Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with proposed Federal Specification TT-P-29H, Paint, Latex Base, Interior, Flat.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification to the end that: (1) Mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the products shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on June 1, 1972, at 10 a.m., General Services Administration Auditorium, 18th and F Streets, NW., Washington, DC. Anyone who wants to attend or desires further information should contact Mr. A. P. Balduman, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, telephone No. (area code 703) 557-7899; or should write to the General Services Administration (FMSB), Washington, D.C. 20406.

Issued in Washington, D.C., on April 18, 1972.

M. S. MEEKER,  
Commissioner.

[FR Doc.72-6529 Filed 4-27-72;8:50 am]

## SECURITIES AND EXCHANGE COMMISSION

[812-3038]

### BLOCK ENGINEERING INC.

#### Notice of Filing of Application

APRIL 24, 1972.

Notice is hereby given that Block Engineering, Inc., 19 Blackstone Street, Cambridge, MA 02139 (Applicant), a Delaware corporation which is controlled

by E. I. du Pont de Nemours and Co. (du Pont), which in turn is controlled by Christiana Securities Co. (Christiana), a Delaware corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a)(3) of the Act certain transactions or classes of transactions involving proposed loans by Applicant to its employees.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

*Relationship of the parties.* Christiana, a registered investment company, owns approximately 28 percent of the outstanding common stock of du Pont which in turn owns approximately 33 percent of the common stock of Applicant. Thus, pursuant to section 2(a)(9) of the Act, Applicant is presumed to be controlled by du Pont which is presumed to be controlled by Christiana and accordingly, Applicant is presumed to be a controlled person of Christiana. By reason of the above-mentioned relationships, Applicant's employees, under section 2(a)(3) of the Act, are affiliated persons of an affiliated person (Applicant) of a registered investment company (Christiana).

*The proposed transaction or class of transactions.* Applicant proposes, pursuant to a resolution of the Executive Committee of its Board of Directors and subject to the Commission granting the requested order, to establish an employee loan program whereby Applicant would make or guarantee loans to employees of Applicant and its wholly owned subsidiaries, Sadtler Research Laboratories, Inc., Digilab, Inc., and Blackstone Realty Corp. (other than officers or directors of Applicant of any affiliated company). It is proposed that Applicant would make or guarantee loans to eligible employees (1) to assist new or transferred employees to meet transportation, relocation and settling in expenses incurred in relocating, other than those expenses otherwise reimbursed by Applicant as a matter of normal policy, (2) to purchase a home, and (3) to meet emergencies, such as unusual, serious and costly medical expenses and expenses of accidents and other casualties.

The amount to be loaned to any individual at any time is not to exceed (1) \$25,000 or (2) 3 years' gross salary for such individual, whichever is less, and the aggregate amount of all such loans outstanding at any time is limited to \$75,000. All loans under the program are to be evidenced by a promissory note and, except in the case of interest-free temporary loans (no longer than 3 months) to purchase a new home because of relocation; all loans and loan guarantees will bear interest at rates comparable to those charged by local lending institutions on loans of similar types. Loans or loan guarantees will be made for the shortest possible term consistent with the borrowing employee's financial status. The maximum term of any loan under the program will be 3 years. No collateral

security will be required for loans made under the program.

With respect to loans up to an aggregate of \$500, the approval of one of applicants, President, Treasurer, or any of its Vice Presidents is required and such loans must be reported to applicants Executive Committee. Loans in excess of an aggregate of \$500 must receive the recommendation of both applicant's Treasurer and either its President or one of its Vice Presidents and must also be approved by the Executive Committee of applicant's Board of Directors.

*Statements in support of applicant's request for an exemptive order.* Applicant represents that, in its opinion, the proposed employee loan program is necessary to enable applicant to recruit and retain its employees and compete in the employment market. The application states that on the basis of its audited balance sheet at May 31, 1971, applicant and its consolidated subsidiaries had total assets of \$4,452,177 and a net worth of \$1,374,097. The application further states that based on its unaudited balance sheet at February 27, 1972, applicant and its consolidated subsidiaries had total assets of \$4,537,589 and a net worth of \$1,519,528. Applicant represents that the proposed limitation of \$75,000 on the aggregate amount of loans and loan guarantees which may be outstanding at any time is not sufficient in relation to either its total assets or net worth, as set forth above.

In addition, applicant represents that the terms of the proposed employee loan program, as described above, are reasonable and fair and do not involve overreaching on the part of any of the persons concerned; that the terms of the loan program are consistent with the policies of the registered investment company concerned as recited in its registration statement and reports filed under the Act and that they are consistent with the general purposes of the Act.

*Applicable statutory provisions.* Section 17(a) of the Act, as here pertinent, provides that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person to borrow money or other property from any company controlled by such registered investment company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 15, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues,

if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.72-6503, Filed 4-27-72;8:47 am]

[File 500-1]

## UNIVERSAL AIRLINES CO.

### Order Suspending Trading

APRIL 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of Universal Airlines Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1972, through May 3, 1972.

By the Commission.  
[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.72-6501 Filed 4-27-72;8:47 am]

[70-5049]

## VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

### Notice of Post-Effective Amendment Regarding Proposed Issuance and Sale of Additional Subordinated Notes

APRIL 24, 1972.

Notice is hereby given that Vermont Yankee Nuclear Power Corp., 77 Grove

Street, Rutland, VT 05701 (Vermont Yankee), an electric utility company and a subsidiary company of both Northeast Utilities (Northeast) and New England Electric System (NEES), registered holding companies; New England Power Co. (NEPCO), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. (WMECO), The Connecticut Light & Power Co. (CL&P), and The Hartford Electric Light Co. (Hartford), three public-utility subsidiary companies of Northeast; and Montaup Electric Co. (Montaup), an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company (referred to collectively as "applicant-sponsors"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 (Act) regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts which is expected to be in operation in 1972. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about \$21 million, is estimated at \$186,850,000. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

By order dated August 30, 1971 (Holding Company Act Release No. 17252), the Commission authorized Vermont Yankee to issue and sell, and the sponsors to acquire, an aggregate of \$49,500,000 of its subordinated notes. The applicant-sponsors agreed to acquire 34.5 percent of the subordinated notes in the following percentages: NEPCO 20 percent, CL&P 6 percent, Hartford 3.5 percent, Montaup 2.5 percent, and WMECO 2.5 percent. The remaining amount was to be issued to the other sponsors, but the acquisition thereof was not subject to the approval of this Commission. The notes were to mature within 1 year from the date of issue and were to bear interest at an annual rate 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in New York City on the date of issue thereof. The notes were to be subordinated as to both principal and interest to senior indebtedness. It was represented that substantially all of Vermont Yankee's short-term indebtedness would be refunded by the issuance of debt and equity securities.

It is now proposed that the amount of subordinated notes to be issued by Vermont Yankee and acquired by the sponsor companies be increased from \$49,500,000 to \$60,500,000. The proceeds from

the sale of subordinated notes will be used in the following manner: \$21 million for the payment when due of notes issued pursuant to a loan agreement with The Chase Manhattan Bank, \$3,500,000 to refund at maturity, October 14, 1972, subordinated notes now outstanding, and \$36 million to meet capital requirements for construction of the generating plant, including repayment of loans made for such purpose. The terms and conditions of the issuance and sale of the subordinated notes remain unchanged.

It is stated that The Vermont Public Service Board has jurisdiction over the issue and sale of the notes and that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed additional subordinated notes will be filed by amendment.

Notice is further given that any interested person may, not later than 12 noon on May 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-6502 Filed 4-27-72;8:47 am]

## SELECTIVE SERVICE SYSTEM

### REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective

Service System. The material contained in Chapter 622 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Chapter 622 is set forth in full as follows:

#### CHAPTER 622—CLASSIFICATION RULES AND PRINCIPLES

**SECTION 622.1 General principles of classification.** 1. It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider, at the appropriate time, all information presented to it pertinent to the classification of a registrant. The mailing by the local board of a Current Information Questionnaire (SSS Form 127) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service, the registrant will be classified on the basis of the information in his file, and the applicable rules and regulations.

2. In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each registrant shall receive equal consideration.

**Sec. 622.2 Classes.** Each registrant shall be classified in one of the following classes:

##### CLASS 1

- Class 1-A: Available for military service.
- Class 1-A-O: Conscientious objector available for noncombatant military service only.
- Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
- Class 1-D: Member of reserve component or student taking military training.
- Class 1-H: Registrant not currently subject to processing for induction.
- Class 1-O: Conscientious objector available for alternate service.
- Class 1-W: Conscientious objector performing alternate service in lieu of induction.

##### CLASS 2

- Class 2-A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
- Class 2-C: Registrant deferred because of agricultural occupation.
- Class 2-D: Registrant deferred because of study preparing for the ministry.
- Class 2-S: Registrant deferred because of activity in degree study.

##### CLASS 3

- Class 3-A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

##### CLASS 4

- Class 4-A: Registrant who has completed military service.
- Class 4-B: Official deferred by law.
- Class 4-C: Alien.
- Class 4-D: Minister of religion.

Class 4-F: Registrant not qualified for military service.

Class 4-G: Registrant exempted as a surviving son from service during peace.

Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.

**Sec. 622.10 Class 1-A: Available for military service.** In Class 1-A shall be placed every registrant who has failed to establish to the satisfaction of the local board, subject to appeal, that he is eligible for classification in another class.

**Sec. 622.11 Class 1-A-O: Conscientious objector available for noncombatant military service only.** In class 1-A-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the armed forces.

**Sec. 622.12 Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.** In Class 1-C shall be placed:

1. Every registrant who is, or who by enlistment, induction, or appointment becomes a commissioned officer, a warrant officer, an enlisted man, or an aviation cadet of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration or the regular Public Health Service.

2. Every registrant who is a cadet, U.S. Military Academy; or a midshipman, U.S. Naval Academy; or a cadet, U.S. Air Force Academy; or a cadet, U.S. Coast Guard Academy.

3. Except for periods of active duty for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the Reserve of the Public Health Service on active duty on or before June 30, 1967, or who after such date is on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

**Sec. 622.13 Class 1-D: Member of reserve component or student taking military training.** 1. Upon receipt of a Record of Military Status of Registrant (DD Form 44) indicating a registrant is entitled to classification in Class 1-D, the local board shall consider him for classification in 1-D and if granted, retain him in 1-D until information is received indicating a change in his classification is warranted.

The Armed Forces will submit a DD Form 44 when a registrant enters a reserve component and when a change in his status occurs.

2. In Class 1-D shall be placed any registrant, other than a registrant referred to in paragraph 3 of this section, who—

a. Prior to the issuance of orders for him to report for induction; or

b. Prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

c. Prior to the date scheduled for his induction; or pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction;

enlists or accepts appointment in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class 1-D so long as he serves satisfactorily as a member of a Ready Reserve or National Guard.

3. In Class 1-D shall be placed any registrant who (1) has been selected for enrollment or continuance in the Senior Division (entire college level) of the Army Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, United States Naval Reserve, while undergoing professional training; (2) has signed an agreement to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and (3) has signed an agreement to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class 1-D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1-C.

4. To assist local boards in continuing a uniform procedure in classifying registrants who are satisfactorily participating in an ROTC program, the following comments set forth our understanding with the Department of Defense:

(1) *Four-year program.* Upon enrollment into an ROTC program and after completion of an "ROTC Deferment Agreement" the responsible professor of military science, professor of naval science or professor of aerospace studies will submit a DD Form 44 (Record of Military Status of Registrant) to the enrollee's selective service local board. Upon receipt of a DD Form 44, the registrant's local board shall place him in Class 1-D, and retain him in this classification

until reason for a change in his classification is a matter of record in his selective service file.

If a DD Form 44 is issued after a registrant has been issued an order to report for induction, he will be expected to report for induction under the guidelines provided for induction of other students.

(2) *Two-year program.* The local board shall postpone the induction of a registrant providing the professor of military science or professor of aerospace studies furnishes a form letter during the spring term confirming the registrant's acceptance for training in an ROTC basic camp that following summer. If he is under an order to report for induction and an enrollment letter is received, he shall be issued an SSS Form 264 (Postponement of Induction) and the reporting date postponed until October 31 of that year. If he is accepted for the summer basic camp and is later reached for induction, his local board will issue an SSS Form 252 (Order to Report for Induction) and postpone his date of induction until October 31, providing the appropriate form letter is in his selective service file.

If the registrant enters an advanced ROTC program that fall, the professor of military science or professor of aerospace studies will issue a DD Form 44 and upon its receipt, the registrant will be considered for Class 1-D. If a DD Form 44 is not received by October 31, if the registrant drops from the basic camp, or if he fails to enroll in the fall course, his postponement shall be terminated at the time and he shall be placed on the local board's induction call when he is reached.

(3) Registrants who have been awarded ROTC scholarships but who have not yet enrolled in the ROTC program will be issued their orders to report for induction, when reached, and then postponed until October 31 of that year. If a registrant is under an outstanding order to report for induction, he shall be postponed until October 31 of that year.

If the registrant enrolls in college and enters the ROTC program on an ROTC scholarship and a DD Form 44 is received, he will be considered for Class 1-D. If a DD Form 44 is not received by October 31, his postponement shall be terminated at that time and he shall be placed on the local board's induction call when reached.

5. In Class 1-D shall be placed any registrant who is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense. Such registrant shall be retained in Class 1-D during the period covered by such agreement but in no case in excess of 4 months.

6. In Class 1-D shall be placed any registrant who is a student enrolled in an officer procurement program in one of the following colleges, the curriculum of which has been approved by the Secretary of Defense:

- (a) The Citadel, Charleston, S.C.;
- (b) Norwich University, Northfield, Vt.;

(c) Virginia Military Institute, Lexington, Va.;

(d) North Georgia College, Dahlonega, Ga.; and

(e) Pennsylvania Military College, Chester, Pa.

Sec. 622.14 *Class 1-O: Conscientious objector available for alternate service.* In Class 1-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

Sec. 622.16 *Class 1-W: Conscientious objector performing alternate service in lieu of induction.* In Class 1-W shall be placed any registrant who has entered upon and is performing alternate service contributing to the maintenance of the national health, safety, or interest, in accordance with the order of the local board.

Sec. 622.18 *Class 1-H: Registrant not currently subject to processing for induction.* 1. The 1-H classification applies only to registrants subject to a regular call.

2. Registrants subject to a regular call are eligible for Class 1-H unless eligible for a lower class if they are:

a. Members of the first priority group whose random sequence number is above the 1-H cutoff number which will be designated by the Director from time to time;

b. Members of the second or lower priority groups;

c. Registrants, in the year of their 19th birthday, whose random sequence number is above the 1-H cutoff number designated by the Director for the following year's first priority group;

d. Registrants, in the year of their 19th birthday who have been assigned RSN's but for whom no 1-H cutoff has yet been set;

e. Registrants age 26 or older;

f. Registrants who have not yet been assigned a random sequence number;

g. Registrants, not in one of the above categories, who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide relationship in their home.

3. The following registrants are specifically ineligible for classification into Class 1-H by local board action:

a. Volunteers;

b. Registrants in the extended priority group;

c. Registrants in the first priority group below the 1-H cutoff number;

d. Registrants, in the year of their 19th birthday, whose RSN is below the 1-H cutoff number designated for the following year's first priority group;

e. Any registrant who qualifies for Class 4-F, 4-A, 4-G, 1-W, 4-W, 1-D, or 1-C.

f. Registrants subject to special calls.

4. Every registrant will be administratively assigned to Class 1-H at the time of registration. Compensated employees

of the Selective Service System are authorized and directed to administratively assign newly registered registrants to Class 1-H. Any 1-H classification after this initial administrative assignment must be made by local board or appeal board action. Any new registrant who qualifies for a class lower than 1-H will be classified out of 1-H and into that lower class by the local board as soon as practicable.

5. The 1-H cutoff number will be designated by the Director pertaining to a specific first priority group. If the 1-H cutoff number were to be established as 200, 1-H registrants whose RSN's were 001-200 would be considered for 1-A. Those with RSN 201-365(366) would continue in 1-H.

6. The designation of a 1-H cutoff number by the Director for the following year's first priority group is a basis for reopening the classification of those registrants in Class 1-H who are below the cutoff and who will attain the age of 20 in the following year. Unless information in their file indicates these registrants are eligible for another class, they will be reclassified into Class 1-A.

7. When local boards classify a registrant into Class 1-H, they will send a letter to each registrant with his Notice of Classification (SSS Form 110), clarifying his 1-H status. This letter will also be given or mailed to registrants who are administratively assigned into Class 1-H at the time of registration. A letter to be used for this purpose is attached to this chapter, and may be obtained through normal supply channels.

8. After priority is given to the processing of registrants who are or may be vulnerable for induction in the near future, local boards should reclassify eligible registrants into Class 1-H in the following priority:

a. Deferred or exempt registrants with RSN's above the 1-H cutoff number for the 1972 First Priority Selection Group who are in classes 1-S, 2-A, 2-C, 2-S, 2-D, 3-A, 4-B, 4-C, and 4-D, and who would therefore become new members of or reenter the first priority group;

b. Present members of the 1972 first priority group with RSN's above the 1972 1-H cutoff number.

c. Registrants who will be in the 1973 first priority group, whose RSN's are above the 1-H cutoff number established for the 1973 first priority group.

d. Second or lower priority registrants.

e. Registrants, not in one of the above categories, who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide relationship in their homes.

Conversion of registrants into Class 1-H by local boards according to the preceding schedule will be accomplished as time and workload permits, but in no event later than December 31, 1972.

SEC. 622.20 *General rules for classification in Class 2.* 1. The local board has primary responsibility, under applicable rules and instructions in this chapter, for deciding which men should be deferred because of their civilian activities. Civilian activities which are contributing

to the national health, safety, or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Military Selective Service Act.

2. No deferment from training and service shall be granted in the case of any registrant except upon the basis of his individual status, as reflected in his selective service file.

3. The local board may avail itself of the assistance of all Federal, State, or local agencies to obtain information which will help it to determine whether a claim for deferment should be granted.

SEC. 622.21 *Length of deferments in Class 2.* 1. Class 2 deferments shall be for a period of 1 year or less. If there is a change in the registrant's status during the period of deferment which would affect his eligibility for Class 2, his classification shall be reopened and considered anew.

2. After the expiration of the period of a registrant's deferment in Class 2, his classification shall be reopened and he shall be classified anew based upon the information in his selective service file, and applicable rules and regulations. The registrant may be continued in Class 2 for a further period of 1 year or less if such classification is considered warranted by the classifying board. The same procedures shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class 2.

3. Nothing in this section is intended to require or permit the local board to retain in Class 2 any registrant when the reason for his classification has ceased to exist.

SEC. 622.22 *Class 2-A: Registrant Deferred Because of Civilian Occupation (except agriculture) or Nondegree Study.*

1. In Class 2-A shall be placed any registrant whose continued employment is found to be necessary to the maintenance of the national health, safety, or interest in an activity which may be identified as essential by the Director of Selective Service upon the advice of the National Security Council. Any registrant who was classified into Class 2-A prior to April 23, 1970, or who was later classified into Class 2-A as a result of a request filed prior to April 23, 1970, may be retained in such class so long as he qualifies under the provisions of paragraph 1 of section 622.23 and remains on the same job. Any registrant who qualified for deferment in Class 2-A as an apprentice in an approved program will be qualified for the 2-A status until he completes his apprentice program or ceases to satisfactorily pursue the course of training.

2. In Class 2-A shall be placed any registrant who: (1) Was satisfactorily pursuing an approved full-time course of instruction, not leading to a baccalaureate degree, in a junior college, community college or technical school during the 1970-71 academic school year, (2) is engaged in an apprentice training program approved and begun prior to July 1, 1971, or (3) is satisfactorily pursuing approved full-time training, begun

prior to July 1, 1971, in a technical or trade school not on an academic year. Deferment under the authority of this paragraph will continue until such registrant fails to pursue satisfactorily such full-time course of instruction or training or until the expiration of the period of time normally required to complete such course of full-time instruction or training.

SEC. 622.23 *Necessary employment defined.* 1. A registrant's continued employment in an occupation identified in the preceding section shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

a. The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity.

b. The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity.

c. The removal of the registrant would cause a material loss of effectiveness in such activity.

2. A registrant's activity as an apprentice in an apprentice training program will qualify him for deferment when all of the following conditions exist:

a. The apprentice training program meets the standards and requirements prescribed in section 622.23a based upon the recommendations of the secretary of Labor.

b. The program has been accepted by the Director or State Director of Selective Service for deferment purposes.

c. The registrant is satisfactorily pursuing his training in the program and meeting the requirements and standards of performance as prescribed in section 622.23a.

SEC. 622.23a *Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes.* 1. The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprenticeable occupations, as defined in paragraph 2 of this section, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

2. The apprentice training program must offer apprentice training in an occupation which:

a. Customarily has been learned in a practical way through on-the-job training;

b. Requires 4,000 or more hours of work experience to learn;

c. Is clearly identified and commonly recognized throughout the industry;

d. Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation;

e. Is not merely a part of an occupation normally learned through apprenticeship;

f. Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer; and

g. Does not fall within any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field;

(2) Managerial occupations;

(3) Clerical occupations;

(4) Professional or semiprofessional occupations including occupations for which entrance requirements customarily include education of college level; or

(5) Agricultural occupations which include occupations such as the growing of crops, fruits, or nuts, and the raising of livestock or poultry.

3. A registrant's activity in an apprentice training program will qualify him for deferment when all of the following conditions exist:

a. The program sponsor has submitted to the local board a request for the occupational deferment of the registrant accompanied by the certificate of the sponsor that (1) the apprentice training program has been accepted for the purpose of deferment by the State Director of Selective Service for the State within which the program is being operated or by the Director of Selective Service, and (2) the registrant is meeting the conditions prescribed in the following paragraph.

b. The registrant currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction.

4. All approved apprentice training programs with deferred participants should be reviewed by the State Director periodically to determine whether the required standards are being maintained.

**Sec. 622.24 Class 2-C: Registrant Deferred Because of Agricultural Occupation.** 1. In Class 2-C shall be placed any registrant who was classified in Class 2-C prior to April 23, 1970, or who was later classified into Class 2-C as a result of a request filed prior to April 23, 1970, and who continues to be employed in the same agricultural activity, but only when all of the conditions described in paragraph 1 of section 622.23 are found by the local board to exist, and he is endeavoring to maintain the same or higher level of production.

**Sec. 622.25 Class 2-S: Registrant Deferred Because of Activity in Degree Study.** 1. In Class 2-S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction leading to a baccalaureate degree at a college, university, or similar institution of learning during the 1970-71 regular academic school year and who is satisfactorily pursuing such course, such classification to continue until the registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily

a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever occurs first.

2. A registrant will be deemed to be satisfactorily pursuing a full-time course of instruction when he is making proportionate progress toward his degree. For example, if the registrant is enrolled in a 4-year course of instruction, the registrant should complete at least one-fourth of the total requirements by the end of the first academic year, at least one-half by the end of the second academic year, at least three-fourths by the end of the third academic year, and should graduate by the end of the fourth academic year. If the registrant is in a course of instruction for which the official college catalog as requiring 5 or more years duration, he must make similar proportionate progress, such as completing one-fifth of the requirements each year of a 5-year course. The registrant's academic year, for the purpose of this section, shall terminate on the anniversary of his entrance into the course of study.

3. When a registrant transfers from a junior college or community college to a baccalaureate degree granting institution, even though some of his credits are not accepted through no fault of his own, he shall be eligible for continued deferment so long as he remains a full-time student and maintains satisfactory progress from the status in which he was accepted for transfer.

4. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction at that institution of learning.

**Sec. 622.26 Class 2-S: Registrant Deferred Because of Activity in Graduate Study.** In Class 2-S shall be placed any registrant who is satisfactorily pursuing a full-time course of graduate study in medicine, dentistry, veterinary medicine, osteopathy, optometry or podiatry. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction in one of these fields of study at such institution of learning. Any registrant who is ordered to report for induction or alternate service, and who has or receives a firm acceptance into the next beginning class in courses of study, shall have his reporting date for induction or alternate service postponed until the beginning of such course of study, and upon entry into such course of study, his classification shall be reopened.

**Sec. 622.27 Class 2-D: Registrant Deferred Because of Study Preparing for the Ministry.** 1. In Class 2-D shall be placed any registrant preparing for the ministry under the direction of a recognized church or religious organization, who requests such deferment and who:

a. Is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or

b. Is satisfactorily pursuing a full-time course of instruction required for his entrance into a recognized theological or divinity school in which he has been pre-enrolled, and

c. Is a student in a full-time program preparing for the ministry under the direction of a recognized church or religious organization.

2. It shall be the duty of any registrant who is a theological or divinity student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school.

3. It shall be the duty of any registrant who is a pretheological student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled.

4. It shall be the duty of any registrant who is a student in a full-time program preparing for the ministry to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization,

b. His studies relate to and lead toward entry into service as a regular or duly ordained minister of religion, as defined in section 622.43 of this chapter, and

c. He is making appropriate progress in his studies.

5. The local board or appeal board may require from the church religious organization, or school detailed information in order to determine whether or not the theological or divinity school is in fact recognized and whether or not the church or religious organization which is sponsoring the registrant is recognized.

6. A school, to be recognized as a theological or divinity school, should enjoy a good reputation, and its graduates should be acceptable, by the church sponsoring the registrant, for ministerial duties, either as an ordained or regular minister.

7. A church or religious organization should be able to show that it was established on the basis of a community of faith and belief, doctrines and practices of a religious character, and that it engages primarily in religious activities.

8. If the local board or appeal board considers the information it has received to be insufficient for the purpose of making a determination, it should request assistance or additional information from the State Director of Selective Service. When the church or religious organization, or the theological or divinity school is located in another State, the State Director may contact the appropriate State Director for advice and recommendation, or may request advice

from the Director of Selective Service. In any case, the advice of the State Director or the Director of Selective Service shall not be binding upon the local board.

**Sec. 622.30 Class 3-A: Registrant with a Child or Children; and Registrant Deferred by Reason of Extreme Hardship to Dependents.** 1. In Class 3-A shall be placed any registrant whose induction into the armed forces would result in extreme hardship to his wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon him for support, except that a person shall be considered to be a dependent of a registrant under the paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

2. The term "child" as used in this section shall include a legitimate or illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

3. In Class 3-A shall be placed any registrant who prior to April 23, 1970 submitted to his local board information establishing his eligibility for deferment on the grounds of fatherhood under regulations in effect prior to that date, or who was classified in Class 3-A prior to that date, and who continues to maintain a bona fide family relationship in their home with his child or children, except that this paragraph shall not apply to any registrant who subsequently becomes a physician or allied medical specialist.

4. Request for deferment based upon extreme hardship:

a. A person shall be considered financially dependent upon the registrant only if such person depends upon the registrant for his maintenance, and not if he receives only partial help to live more comfortably.

b. The phrase "extreme hardship" must be interpreted with emphasis on the word "extreme" which means, in any case, that there exists a severe condition of physical or mental dependency or extreme economic factors. Keep in mind that the interruption of a family routine, the difference in pay, and other factors may be hardships to some degree, but are no different than those experienced by thousands of others who enter the service and are generally not grounds for hardship deferment.

c. A registrant may file a written claim for hardship deferment at any time. The claim may be by letter or other writing such as Dependency Questionnaire (SSS Form 118), which indicates that such deferment is desired.

d. After the issuance of an Order to Report for Induction, or Selection for Alternate Service, a request for, or submission of, a Dependency Questionnaire (SSS Form 118) does not constitute a basis for delay of a registrant's proc-

essing for induction or alternate service. Such a delay will not be permitted, unless information is presented which, if true, would be a basis for reopening a registrant's classification, and the late submission of the information is due to reasons beyond the registrant's control.

5. Preclassification action:

a. Prior to a local board classifying or reclassifying a registrant who has claimed extreme hardship, the local board shall furnish the registrant a Dependency Questionnaire (SSS Form 118) and request the registrant to furnish such additional information to support his claim for deferment as he may desire.

b. In the event the registrant fails to return the SSS Form 118 within the time indicated on the form, the local board shall consider the registrant's claim without the benefit of the information on the form. The local board shall not postpone a registrant's induction or alternate service to allow the filing of the form.

c. Classification need not be based solely upon the information contained in the questionnaire. When the local board determines that the information in the file is inadequate, it may request further information from the registrant, his dependents, or other government or civilian agencies.

6. Financial hardship:

a. Information to be considered:

(1) Financial needs of the claimed dependent.

(2) Reasonableness of such claim.

(3) Earnings of the claimed dependent if employed and/or other income.

(4) Income of other members of the registrant's family and their ability to contribute to the claimed dependent.

(5) Financial effect of entry into military service including all pay and allowances, and the Soldiers and Sailors Relief Act.

(6) Indebtedness of the registrant or claimed dependent.

b. For the purpose of determining whether or not the induction of a registrant would result in extreme hardship to his dependent(s), the local board must consider the pay, along with clothing allowances, lodging and food, which the registrant would receive as a member of the Armed Forces, the free medical care for the member and his dependents, as well as the allowances which are payable by the United States to dependents of persons serving in the Armed Forces. However, the fact that such pay and allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

c. The following table sets forth, according to pay grade, the amount of pay and the allowance for quarters, the amount deducted from the enlisted man's pay, and the total amount payable to his dependents for each month:

Pay grade	Monthly pay	Allowance for quarters—one or more dependents	Amount deducted from soldier's pay	Total dependency allowance—with one or more dependents
E-1.....	\$288.00	\$105.00	\$40.00	\$145.00
E-2.....	320.70	105.00	40.00	145.00
E-3.....	333.60	105.00	40.00	145.00
E-4.....	346.80	121.50	40.00	161.50

7. Physical or mental hardship:

a. Medical documentation of the dependent should be evaluated as to degree of disability, the length of time the medical condition has been in existence and the prognosis as to the continuation of the medical condition. The dependent's ability to care for himself, or be cared for without the aid of the registrant shall be considered.

b. Doctors' statements must verify any claimed disability of dependents. It must be determined that the registrant alone is responsible for the care of the dependent. The normal anxiety attributable to a son or husband entering the armed forces should not be a basis for deferment. The prognosis for the registrant's dependent must also be considered to determine if this is a short- or long-term condition.

8. Paternity claims:

a. April 23, 1970, was the termination date for eligibility for paternity deferments. Young men who register after that date shall be eligible for consideration for a Class 3-A paternity deferment only if documentation is presented prior to his classification into Class 1-A which establishes that the registrant's child was conceived prior to April 23, 1970, and prior to the time set for registration of the claimant.

b. Since June 30, 1967, registrants who have received a student deferment in Class 2-S have not been eligible for deferment in Class 3-A solely on the basis of having a child or children with whom they may maintain a bona fide family relationship. These registrants may qualify for Class 3-A on the basis of extreme hardship upon presentation of convincing evidence to the classifying board which conclusively substantiates the claim.

9. Postponement of Induction. Whenever facts are presented to a local board which establish that extreme hardship to a registrant's dependent(s) would result if the registrant is inducted within the ensuing 6-month period, but would not result if the registrant is inducted after such 6-month period, it is recommended that the local board request the State director to postpone the registrant's induction for the appropriate length of time, rather than utilizing a 3-A classification which would be of short duration.

**SEC. 622.40 Class 4-A: Registrant who has completed military service.** 1. In Class 4-A shall be placed any registrant who falls within any of the following categories:

a. A registrant discharged or transferred to a reserve component of the

Armed Forces after having served honorably on active duty for a period of not less than 6 months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

b. A registrant who has served on active duty for a period of not less than 24 months as a commissioned officer in the National Oceanic and Atmospheric Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned reserve officer commencing after June 30, 1967, shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

c. A registrant who has served on active duty for a period of not less than 12 months in the Armed Forces of any of the following nations which are certified by the Department of State to be nations with which the United States is associated in mutual defense activities.

Argentina.	Iran.
Australia.	Italy.
Barbados.	Jamaica.
Belgium.	Japan.
Bolivia.	Korea, Republic of
Brazil.	(South).
Canada.	Luxembourg.
Chile.	Mexico.
China, Republic of.	Netherlands.
Colombia.	New Zealand.
Costa Rica.	Nicaragua.
Denmark.	Norway.
Dominican Republic.	Spain.
Ecuador.	Thailand.
France.	Tobago.
Germany, Federal	Trinidad.
Republic of.	Turkey.
Greece.	United Kingdom.
Guatemala.	Uruguay.
Haiti.	Venezuela.
Honduras.	Vietnam, Republic of
Iceland.	(South).

When an alien believes he qualifies for exemption from training and service under the provisions of this paragraph, he must request a certificate verifying his military service from his country's diplomatic mission in Washington, D.C. or from the nearest consular office of his country. The mission or the consular office, after verification of the alien's service, will provide a certificate written in English evidencing such service, direct to the local board of jurisdiction.

d. A registrant who has completed 6 years of satisfactory service as a member of one or more of the armed forces including the reserve components thereof.

2. For the purpose of computation of periods of active duty referred to in subparagraphs a or b of paragraph 1, of this section, no credit shall be allowed for—

a. Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

b. Periods of active duty in which the service consisted solely of training under a college training program under the

jurisdiction of the Army, Air Force, Navy, Marine Corps, or Coast Guard;

c. Periods of active duty as a cadet at the U.S. Military Academy, U.S. Air Force Academy, or U.S. Coast Guard Academy, or as a midshipman at the U.S. Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any such academies;

d. Periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs b or c of this paragraph; or

e. Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

f. Periods of active duty of members of the Reserve of the Public Health Service other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

SEC. 622.41 *Class 4-B: Official Deferred by Law.* In Class 4-B shall be placed any registrant who is the Governor of a State, Territory, or possession, or any other official chosen by the voters of the entire State, Territory, or possession; a member of a legislative body of the United States or of a State, Territory, or possession; a judge of a court of record of the United States or of a State, Territory, or possession, or the District of Columbia.

SEC. 622.42 *Class 4-C: Aliens.* 1. In Class 4-C shall be placed any registrant who is an alien and who has not resided in the United States for one year, including any period before his registration. When such a registrant has been within the United States for two or more periods and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as one full day. When any such registrant has resided in the United States for one year, he shall be classified as available for military service unless he is found to be eligible for another classification for a reason other than his alien status.

2. In Class 4-C shall be placed any registrant who is an alien who furnishes documentation establishing that he is a national of any of the following countries ("treaty alien") and who has made application to be exempted from liability for training and service in the Armed Forces of the United States:

Argentina.	Italy.
Austria.	Latvia.
China, Republic of	Liberia.
(Nationalist).	Norway.
Costa Rica.	Paraguay.
Estonia.	Spain.
Honduras.	Switzerland.
Ireland.	Yugoslavia.

3. In Class 4-C shall be placed any registrant who is an alien and who has departed from the United States. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew. No reopening and reclassification under the provisions of this paragraph will cancel any outstanding order to report for induction or alternate service.

4. In Class 4-C shall be placed any alien who has registered at a time when he was required by the selective service law to register and thereafter has acquired status within one of the groups of persons exempt from registration.

5. In Class 4-C shall be placed any registrant who is an alien lawfully admitted for permanent residence, and who by reason of occupational status (such as employment at the World Bank or United Nations) is subject to adjustment to nonimmigrant status, but who executes a waiver of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4-C under the authority of this paragraph shall be retained in Class 4-C only for so long as such occupational status continues.

6. Treaties between the United States and the countries listed below, relating to military obligations in certain cases of double nationality, provide that a person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other countries:

Australia.	Netherlands.
Austria.	Niger.
Belgium.	Nigeria.
Brazil.	South Africa.
Burma.	Swaziland.
Colombia.	Sweden.
Cuba.	United Kingdom of
Cyprus.	Great Britain and
El Salvador.	Northern Ireland,
Finland.	and all parts of
Germany.	the British Empire
Indonesia.	which are not separate
Malawi.	members of the
Malta.	League of Nations.
Mauritania.	

A registrant who is a national of both the United States and any of the above listed countries, and who meets the above requirements, as evidenced by information submitted on Special Form for Alien or Dual National (SSS Form 131) and documentation of his claim, shall be classified in Class 4-C. This exemption may involve the loss of the nationality of the other country or countries.

7. Agreements between the United States and Switzerland, and between the United States and Norway, provide that a person born in Switzerland or Norway, of parents who are nationals of the United States, and who is a national of both the United States and the other country, and who habitually resides in

the other country is exempt from liability for military service in the United States. A registrant who qualifies for exemption under this provision as evidenced by information submitted on Special Form for Alien or Dual National (SSS Form 131) and documentation of his claim, shall be classified in Class 4-C.

**Sec. 622.43 CLASS 4-D: Minister of Religion.** 1. In Class 4-D shall be placed any registrant who is a regular or duly ordained minister of religion.

2. The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

3. The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

4. The terms regular or duly-ordained minister of religion do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and do not include any person who may have been duly ordained a minister in accordance with the ceremonial rite or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed of principles of his church, sect, or organization.

**Sec. 622.44 Class 4-F: Registrant Not Qualified for Military Service.** 1. In Class 4-F shall be placed any registrant who is found under applicable physical, mental, and moral standards to be not qualified for service in the Armed Forces, except that no such registrant whose further examination or reexamination may be justified shall be placed in Class 4-F until such further examination as the Director of Selective Service deems appropriate has been accomplished and such registrant continues to be found not qualified for military service.

2. In Class 4-F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of physical disqualification.

**Sec. 622.45 Class 4-G: Registrant Exempted as a Surviving Son From Serv-**

*ice During Peace.* 1. Prior to September 28, 1971, when amendments to the Military Selective Service Act of 1967 were adopted, the law and regulations made provision for exemption from service for only the registrant who was the sole surviving son of a family of which the father or one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service. Dates of service or death of the family member were not specified.

2. As of September 28, 1971, Section 6 of the Military Selective Service Act reads as follows:

Except during the period of a war or national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or (2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.

As used in this subsection, the term "brother" or "sister" means a brother of the whole blood or a sister of the whole blood as the case may be.

Section 101(d)(3) 9 P.L. 92-929 provides:

Notwithstanding the (above quoted paragraph), except during the period of a war or a national emergency declared by Congress, the sole surviving son of any family in which the father or one or more sons or daughters thereof were killed in action before January 1, 1960, or died in line of duty before January 1, 1960, while serving in the Armed Forces of the United States, or died subsequent to such date as a result of injuries received or disease incurred before such date during such service shall not be inducted under the Military Selective Service Act unless he volunteers for induction.

3. As explained above, provisions now exist for the local board to consider the exemption of both sole surviving sons, and surviving sons and brothers. Dates of service and death of the family member have been prescribed and will establish which of the above provisions applies in each individual case. The dates of December 31 1959, and January 1, 1960, set forth in the law, apply only to sole surviving son and surviving son classifications made after September 28, 1971.

4. The following examples may be of assistance to local boards in considering claims for exemption under this section:

a. The father of John Smith, an only child, served in the Navy from 1943 until 1945 when he was discharged because of multiple wounds. He died in 1950 from those injuries. John is eligible for exemption as a sole surviving son.

b. Same as above, except John's father died in 1964 from wounds sustained in 1945. John qualifies for exemption as a sole surviving son.

c. Same as above, except the father's death was due to an automobile accident

in 1961. John does not qualify for exemption as the death was not from a service connected cause.

d. John's father and mother were divorced in 1946. His mother, who gained custody of John, remarried and bore a son by her second husband. John's father died in 1950 from wartime wounds. John qualifies for exemption, even though he has a half-brother, because he was the only son of a man who died from wounds sustained while in the Navy. (John's half-brother would not qualify as he was not a son of John's father).

e. John joined the Marines in 1962. He was killed by a land mine in 1964. His half-brother would not qualify for exemption as he was not of the whole blood.

f. William Miller's half-brother joined the Army and was killed in 1969 in Vietnam. William would not be eligible for exemption as the deceased was not a brother of the whole blood.

g. James Nelson had four brothers of the whole blood. Tom, the second oldest, died in service on January 4, 1963. All three remaining brothers qualify for exemption from service as surviving brothers.

h. Edward Kolski's mother, a reserve officer in the WAC, was killed in a plane crash during her annual 2 weeks tour of active duty. Edward would not qualify for exemption since there is no provision for exemption based on the death of a mother.

i. Robert Duran's father died in 1961 from World War II injuries. Robert has two brothers who are still living. None of the sons qualify for exemption because there is no sole surviving son.

5. Determinations by the Armed Forces or the Veterans' Administration as to the status of the registrant's father, brother or sister who was killed or who died or who is captured or missing will be conclusive as to facts to which they pertain.

**Sec. 622.46 Class 4-W: Registrant Who Has Completed Alternate Service in Lieu of Induction.** In Class 4-W shall be placed any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 consecutive months or has been released from such service by the Director of Selective Service.

(SAMPLE LETTER TO 1-H REGISTRANT)

Dear -----  
The enclosed notification advises you that you have been placed in Class 1-H. This is a holding classification for registrants who are not currently subject to processing for induction. If your lottery number is high enough, you will be left in Class 1-H indefinitely, with the realization that each year your likelihood of being selected for induction is decreasing.

If at any future time, your lottery number and priority group fall in the range of those being selected for induction, you will be reclassified out of 1-H. At that time, you will have the opportunity to present any claim for deferment and you will be classified into an appropriate class. You will also have the procedural rights of personal appearance and

appeal during the 15-day period following the issuance of the notice that you have been reclassified.

As a 1-H registrant, you are required to inform the local board of any change in your address. However, it will not be necessary for you to inform the local board of any change in your occupational, marital, family, or dependency status or of your physical condition until such time as your local board requests further information.

By direction of the local board.

-----  
CURTIS W. TARR,  
Director.

[FR Doc. 72-6505 Filed 4-27-72; 8:47 am]

## VETERANS ADMINISTRATION

### ENVIRONMENTAL IMPACT PROGRAM

Notice is hereby given of the publication of procedures of the Veterans Administration to implement section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, Jan. 1, 1970, 83 Stat. 852); section 2(f), Executive Order 11514 (Mar. 5, 1970, 35 F.R. 4247, 3 CFR Part 104, 1970 compilation), and the guidelines issued by the Council on Environmental Quality (Apr. 23, 1971, 36 F.R. 7724).

Interested persons are invited to submit written comments regarding these procedures to the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities, Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

All relevant comments received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered with a view to later revision of the procedures if necessary.

Set forth below is VA Manual MP-1, General Administrative, Part I, Chapter 9, "VA Environmental Impact Program." The numbering system used is that of the VA manual.

Dated: April 24, 1972.

By direction of the Administrator.

FRED B. RHODES,  
Deputy Administrator.

Included in MP-1, Part I, Chapter 9 but not published in this notice are:

A. National Environmental Policy Act of 1969 (Public Law 91-190, Jan. 1, 1970, 83 Stat. 852).

B. Executive Order 11514, Protection and Enhancement of Environmental Quality (Mar. 5, 1970, 35 F.R. 4247, 3 CFR 104, 1970 Comp.).

C. Executive Order 11507, Prevention, Control and Abatement of Air and Water Pollution at Federal Facilities (Feb. 4, 1970, 35 F.R. 2573, 3 CFR, 1970 Comp.).

D. Council on Environmental Quality Guidelines, Statements on Proposed Federal Actions Affecting the Environment and Memorandum to the Heads of Agencies, April 23, 1971.

E. Office of Management and Budget Bulletin No. 72-6, September 14, 1971,

Proposed Federal Actions Affecting the Environment.

F. Office of Management and Budget Circular No. A-85, Revised, January 20, 1971, Consultation with Heads of State and Local Governments in Development of Federal Regulations.

G. Office of Management and Budget Circular No. A-95, Revised, February 9, 1971, Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects, as amended July 26, 1971.

H. FEDERAL REGISTER Notices of Availability.

I. Format for Notice of Intent to Prepare a 102 Statement.

#### CHAPTER 9—VA ENVIRONMENTAL IMPACT PROGRAM

1. *Purpose.* This chapter establishes policies and procedures to facilitate VA compliance with various legal requirements and guidelines concerning the environmental impact of proposed actions, coordination with Federal, State, and local government authorities, and formulation of detailed Environmental Impact Statements (hereafter referred to as 102 statements). These 102 statements are required on all proposals for legislation and other major VA actions significantly affecting the quality of the human environment by section 102 (2)(C) of NEPA (National Environmental Policy Act of 1969, Public Law 91-190). (See Appendix A.) One of the general purposes of title IV of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577) was to provide that the chief executives of State and local governments will be given a reasonable opportunity to comment on major proposed Federal rules, regulations, standards, procedures, and guidelines, major interagency agreements concerning program operations, and major organization changes, any of which have a significant and nationwide effect on State and local governments. This will sometimes require assistance by the ACIR (Advisory Commission on Intergovernmental Relations). (See OMB Circular No. A-85 Revised, Appendix F.) Other requirements to be observed are set forth in Executive Orders 11514 and 11507 (see Appendixes B and C); in CEQ (Council on Environmental Quality) guidelines (see Appendix D); and in OMB (Office of Management and Budget) directives (see Appendixes E-G).

2. *Responsibilities—*a. *Department of Medicine and Surgery.* Under the general direction of the Deputy Administrator, the ACMD for Administration and Facilities is responsible for the formulation of overall policies, plans and procedures governing the VA environmental impact program.

b. *The Assistant Administrator for Management and Evaluation.* The AA/M&E is responsible for liaison with the Director, Office of the Federal Register, General Services Administration on matters relating to the publication of public notices in the FEDERAL REGISTER announcing the availability of 102 statements or other environmental program

material requiring publication in the FEDERAL REGISTER.

c. *Department and Staff Office Heads.* Staff or department heads will supplement this chapter as necessary to make its provisions and policies effective in their areas of jurisdiction. In carrying out these responsibilities they will seek the advice and guidance of the ACMD for Administration and Facilities and the AA/M&E, as appropriate.

3. *Scope.* The need for the preparation of a 102 statement will be based on the criteria established for each of the following categories of VA action:

a. *Major land purchases and improvements.* A 102 statement will normally be prepared for any major land purchase and improvement thereon.

b. *Major new building or facility.* A 102 statement will normally be prepared when a major new building or facility is constructed at an existing facility or site and the new building or facility will have a significantly adverse environmental impact in relation to the existing facility or site.

c. *Major replacement building or facility.* A 102 statement will normally be prepared when a major replacement building or facility is constructed at an existing facility and the adverse environmental impact of the replacement building or facility is greater than that of the building or facility being replaced.

d. *Nursing home and State home grants.* (1) Each application for a nursing home or State home grant will be reviewed by the central point prior to approval of such grant.

(2) A 102 statement will normally be prepared when remodeling of an existing nursing home or State home will result in an adverse environmental impact significantly greater than that which previously existed.

(3) A 102 statement will normally be prepared when construction of a new nursing home or State home will result in a significantly adverse environmental impact.

e. *Major pollution abatement measures.* (1) A 102 statement will normally be prepared when such measures have a significantly adverse environmental impact.

(2) A 102 statement will normally not be prepared when such measures maintain the environment at the existing level or result in a reduced adverse environmental impact.

f. *Standards and criteria governing the approval of residential developments in VA home loan financing.* The preparation of a 102 statement will be determined by the Veterans Administration and the Department of Housing and Urban Development based on criteria jointly developed.

g. *Recommendations or reports relating to legislation and appropriations.* All such recommendations or reports which have potential or actual adverse environmental impact will be reviewed by the central point. The need for a 102 statement will be based on the criteria established in this paragraph and

normally be prepared when such recommendation or report will result in an adverse environmental impact significantly greater than that existing at the time of implementation of such recommendation or report.

h. *Federal leases, permits, licenses, certificates, or other entitlements for use.* The need for a 102 statement will normally be based on the criteria established in this paragraph and normally be prepared if such leases, permits, licenses, certificates, or other entitlements for use will result in an adverse environmental impact significantly greater than that presently existing.

i. *Policy or procedure making.* The need for a 102 statement will normally be based on the criteria established in this paragraph and a 102 statement will normally be prepared if such policy or procedure results in an adverse environmental impact significantly greater than that existing prior to the implementation of such policy or procedure.

j. *Removal or disturbance of a site, building, or object which has a significant historical value.* A 102 statement will normally be prepared for removal or disturbance of such site, building, or object.

4. *A 102 statement defined.* A 102 statement is a detailed statement by the Administrator discussing the following considerations:

a. The environmental impact of the proposed actions.

b. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

c. Alternatives to the proposed action.

d. The relationship between a local short-term use of man's environment and the maintenance and enhancement of long-term productivity.

e. Any irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented.

5. *The principal characteristics of a 102 statement.* In general a 102 statement will have the following characteristics:

a. It will contain a description of the physical and environmental aspects of the proposed action.

b. It will be sufficiently descriptive to allow evaluation and appraisal of the favorable and adverse environmental effects of each proposal.

c. Its length will be suited to the proposal and the nature of its impact.

d. It will be submitted as a separate document and not as an enclosure or an appendix to another document.

e. It will not be based on ultimate conclusions, but should show consideration of the potential impact of the proposal on the environment.

f. It will summarize information and cite sources of overall appraisals with attention to the following:

(1) Include and comment on the views of those opposing the proposal for environmental reasons.

(2) Summarize the views of agencies having environmental responsibilities.

(3) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives.

(4) Do not overstate favorable effects.

(5) Discuss regional significance when the environmental impact extends beyond the immediate area.

(6) Include significant relationships between the proposal and other developments, both existing and authorized.

6. *The format of a 102 statement.* The completed 102 statement should have the following general structure:

a. *A Project description.* (1) The name of the project or action.

(2) Its location.

(3) Its purposes.

(4) The authorizing document if available.

(5) The current status of the action.

b. *A description of the environmental setting without the project.* (1) Describe the area.

(2) Mention the present level of economic development.

(3) Disclose the existing land and water uses, and other environmental determinants.

(4) Discuss the setting on a regional basis.

(5) Discuss the interrelations of projects and alternatives proposed, under construction, or in operation by the agency or organization.

(6) Discuss existing levels of pollution in the project area.

c. *A statement of the anticipated environmental impact of the proposed action.* (1) Identify the various environmental impacts anticipated, viewed as changes or conversions of environmental elements which result from the direct and indirect consequences of the proposed action.

(2) Describe such impacts in a dispassionate manner to provide a basis for a meaningful treatment of the trade-offs involved.

(3) Set forth quantitative estimates of ecological gains or losses whenever practicable.

(4) Discuss both the beneficial and detrimental aspects of the environmental changes or conversions. Place some relative value on the impacts described. Include such items as:

(a) A discussion of the impacts in terms of their effects.

(b) An identification of the recipient of these effects.

(c) A discussion of these effects regionally.

(5) Identify remedial, protective, and mitigative measures which would be taken in response to adverse effects of environmental impacts.

d. *A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented.* (1) Discuss the unavoidable adverse effects and their implications.

(2) Identify the abatement or mitigative measures proposed to rectify the adverse effects and the extent of their effectiveness.

(3) Identify the nature and extent of the principal adverse effects and the parties affected.

(4) Present and comment on the objections of all concerned parties.

(5) Consider such specific items as:

(a) Loss of given acreage.

(b) Water and air pollution.

(c) Damage to life systems.

(d) Urban congestion.

(e) Threats to health.

(f) Other consequences adverse to the environmental goals set out in section 101(b) of the NEPA.

(g) Generation and disposal of solid wastes.

e. *A résumé of alternatives to the proposed action.* (1) Describe the various alternatives considered, their environmental impact, and the reasons why each was not recommended.

(2) Identify the alternatives as to their beneficial and detrimental effects on the environmental elements.

(3) Specifically take into account the alternative of NO ACTION. This last alternative requires a projection of the future environmental setting if the project is not accomplished.

(4) A discussion of both natural and man-induced changes.

(5) A discussion of economically justified alternatives.

f. *An evaluation of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* (1) Assess the cumulative and long-term impacts of the proposed action with the view that "each generation is trustee of the environment for succeeding generations."

(2) Give special attention to considerations that would narrow the range of beneficial uses of the environment for succeeding generations.

(3) Consider that the priority of any action should be weighed against the potential for damage to man's life support system.

(4) Consider temporary environmental impacts such as air, water, noise, pollution, etc.

g. *A review of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* (1) Discuss irrevocable uses of resources.

(2) Discuss changes in land use.

(3) Discuss destruction of archeological or historical sites.

(4) Discuss unalterable disruptions in the eco-system.

(5) Discuss any other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented.

h. *A synopsis of coordination with other Agencies.* (1) List all government and private entities with whom coordination has been accomplished.

(2) Discuss public participation efforts.

(3) Specify coordination measures taken with those having environmental interest.

(4) Summarize and identify all views, both pro and con.

(5) Attach a copy of all comments received concerning the proposal to the 102 statement.

i. *A summary sheet which will accompany each draft and final 102 statement.* This summary sheet consisting of no more than one page, will contain the following information:

## Check one:

- ( ) Draft.  
 ( ) Final 102 statement.  
 Name of responsible Federal agency (with name of operating division where appropriate).

- (1) Name of action. Check one:  
 ( ) Administrative action.  
 ( ) Legislative action.  
 (2) Brief description of action indicating what States (and counties) particularly affected.  
 (3) Summary of environmental impact and adverse environmental effects.

- (4) List alternatives considered.  
 (5) (a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

- (b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

- (6) Dates draft statement and final statement made available to CEQ and public.

7. *Plans and procedures.* a. The following considerations are associated with the preparation and use of a 102 statement:

- (1) Consultation with Federal, State, and local agencies, the CEQ, and the OMB.

- (2) Planning procedures for the use of the 102 statement.

- (3) 102 statement filing procedures.  
 (4) Public information.

- b. Each of these considerations is explained in more detail below, in the order of their listing:

- (1) *Consultation with Federal, State, and local agencies, the CEQ, and the OMB.* VA must coordinate 102 statements with the CEQ, the OMB, and the EPA (Environmental Protection Agency) along with other Federal agencies having relevant environmental expertise or jurisdiction by law. The views of State and local agencies authorized to develop and enforce environmental standards will be sought. This will sometimes require assistance by the ACR. (See Appendix F.)

- (a) The appropriate agencies will be consulted concerning VA actions, reports, or proposals for:

1. Legislation.  
 2. Other major Federal actions significantly affecting the quality of the human environment.

- (b) Recommendations or reports on proposals for legislation include:

1. VA recommendations on their own proposals for legislation.

2. VA reports on legislation initiated elsewhere. In this case, only the agency which has primary responsibility for the subject matter will prepare a 102 statement.

- (c) Coordination of 102 statements with responsible agencies will be done as follows:

1. Transmit draft 102 statements to responsible agencies for review and comment. Review and comment will be requested from the EPA on all such matters.

2. A 30-day time limit for reply is established. After this time period has passed, it may be presumed that the agency has no comment to make.

3. Upon receipt, comments from agencies will be reviewed by the VA and, where appropriate, summarized in the final 102 statement.

4. Copies of comments from these agencies will be included as attachments to the final 102 statement when forwarded for further action.

5. Comments from agencies and the views expressed should be no older than:

- a. Twelve months for new projects or proposals.  
 b. Three calendar years for previously authorized projects or proposals.

6. More recent coordination will be required if significant changes in the project or proposal or in the associated environment have occurred in the meantime.

7. Where emergency circumstances make it necessary to take an action with significant environmental impact without regard to minimum periods for review and advance availability of 102 statements, the cognizant office should notify the "Central Point" who will consult with the CEQ about alternative arrangements.

- (d) When seeking comments from Federal, State, and local agencies, it will be kept in mind that:

1. Existing mechanisms for obtaining the views of responsible agencies will be used to the fullest extent possible.

2. OMB Bulletin No. 72-6 outlines requirements for:

- a. Proposed legislation and reports on bills.

- b. Preparation of Annual Budget Estimates.

- c. Water resource project reports.

3. OMB Circular No. A-95 outlines requirements regarding direct Federal development projects, federally assisted programs, and programs requiring State plans as a condition of assistance.

4. OMB Circular No. A-85 outlines requirements for consultation with the heads of State and local governments.

5. Where the above procedures are not appropriate, review by State and local agencies authorized to develop and enforce environmental standards, and their comments on environmental impact may be obtained directly by distributing the draft 102 statement to the appropriate State, regional, and metropolitan clearing houses.

6. In accordance with section 309 of the Clean Air Act, as amended, the EPA will be requested to review and comment (or proceed as indicated) on:

- a. Legislation proposed by the VA.

- b. Newly authorized Federal projects for construction and any major Federal action (other than a project for construction) to which section 102(2)(C) of NEPA applies, and

- c. Proposed regulations published by VA.

- d. A period of 45 days will be allowed for such review and comment.

- e. The EPA will be provided with information and asked to comment on proposed legislation or regulations where the matter affects the areas of EPA's jurisdiction and no 102 statement is to be filed (i.e. air and water quality, solid waste, pesticides, radiation standards, noise).

- (2) *Planning procedures for the use of 102 statements.* Planning for the use and preparation of the 102 statement will be as follows:

- (a) Preliminary identification and assessment of possible environmental impacts and effects should be made at an early stage. Consideration of environmental elements will be included:

1. Geological elements.  
 2. Hydrological elements.  
 3. Botanical elements.  
 4. Zoological elements.  
 5. Archeological—historical—cultural elements:

- a. Ruins.  
 b. Artifact sites.  
 c. Battlefields.  
 d. Cemeteries.  
 e. Ethnic colonies.

- (b) At the next stage:  
 1. All anticipated environmental impacts and effects of each solution under consideration will be identified and discussed.

2. Views of interested agencies, groups, and citizens will be sought and considered.

- (c) At a late stage:

1. Discussion regarding the proposals and alternatives will be specific and thorough regarding environmental impacts and effects.

2. The range of feasible alternatives will be pursued on projects which were recommended, authorized, or under construction prior to the NEPA. Application of all the procedures regarding 102 statements shall apply to existing actions having a significant effect on the environment even though they arise from projects or programs initiated prior to the enactment of the Act on January 1, 1970.

- a. Further incremental major actions will be shaped to minimize adverse environmental consequences.

- b. Consider environmental consequences not fully taken into account at the start of the project.

3. Do not duplicate the clearance process.

4. Do not take administrative action subject to section 102(2)(C), NEPA, sooner than 90 days after a draft 102 statement has been circulated for comment, furnished to the CEQ and made available to the public.

5. Do not take administrative action subject to section 102(2)(C), NEPA, sooner than 30 days after final text of a 102 statement (together with comments) has been made available to the CEQ and the public.

6. Regarding proposals for legislation to which section 102(2)(C), NEPA, applies, the final text of the 102 statement will be made available to Congress and the public in advance of any relevant congressional hearings.

- (3) *102 statement filing procedures.* The following will be supplied to CEQ:

- (a) Ten copies of draft 102 statements (when prepared).

- (b) Ten copies of all comments received thereon (when received).

- (c) Ten copies of the final text of the 102 statements.

(4) *Public information.* (a) When the VA prepares a 102 statement, VA is obligated to disclose the draft and final 102 statement along with comments to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552). In addition, certain groups of people will be using the 102 statement as a valid source of information. Among these groups are:

1. General public.
2. Environmental action groups.
3. Trade and special interest associations.

4. Governmental agencies.
5. Congressional committees.
6. Press, radio, and television.

(b) For the above reasons, public dissemination of a 102 statement is of the utmost importance. The following procedures will be adhered to:

1. Make a 102 statement available through publication of a draft notice and final notice in the FEDERAL REGISTER advising the public where it may be examined or obtained. (See appendix H.)

2. Provide timely public notice of an undertaking. Procedures to accomplish this should include, where appropriate:

- a. Public hearings.
- b. Providing the public with relevant information.
- c. Include information concerning alternative courses of action.

3. Where recommendations or reports on proposals for legislation are involved, the 102 statement and comments will be made available to the public the same time they are made available to Congress.

4. Where administrative actions are involved:

- a. The draft 102 statement will be made available to the public the same time it is circulated for comment and furnished to the CEQ.

- b. The final 102 statement and comments will be made available to the public when it is furnished to the CEQ.

5. When the VA holds public hearings, a draft 102 statement will be made available to the public 15 days prior to the time of the relevant hearings.

6. Requirements for public availability of a 102 statement and comments must be met.

- a. Availability at VA Central Office.
- b. Availability at appropriate State, regional and metropolitan clearinghouses.

8. *Initiating and controlling the preparation, coordination and administration of 102 statements.* a. Under the general direction of the Deputy Administrator, the "Central Point" in the VA for the control and administration of the program concerning 102 statements will be located in DM&S, under the Assistant Chief Medical Director for Administration and Facilities, in Engineering Service.

- b. The office with cognizance of an action requiring a 102 statement will initiate action to prepare a notice of intent, a draft and a final 102 statement. Prior to submission to the Administrator, these statements will be fully coordinated with all appropriate staff elements including

the General Counsel and Information Service.

c. The Office of Construction, the Department of Medicine and Surgery, the Department of Veterans Benefits and staff office heads having cognizance of any of the categories of VA actions or administrative responsibilities related thereto outlined in paragraph 3 will:

- (1) Designate officials who will perform liaison duties in connection with 102 statements. Provide names and telephone numbers to the "Central Point" in DM&S.

- (2) Subject all major actions to the environmental assessment process. This process should commence at the earliest possible point in the development of major legislative and administrative actions. It shall consist of a thorough study of the proposed action to identify and evaluate the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action. When the assessment indicates there will be a significant environmental impact, prepare a notice of intent to prepare a draft 102 statement. The notice of intent shall briefly describe the action, its location and the issues involved. (See Appendix I.) Preparation of the notice of intent will be based on the criteria established in paragraph 3, "Scope," above.

- (a) Provide notices of intent to prepare 102 statements on major land purchases and improvements, major buildings or facilities and major pollution abatement measures after the projects have been approved by OMB.

- (b) Provide notices of intent to prepare 102 statements on nursing home grants and State home grants after the applications for grants have been approved.

- (c) The need for a 102 statement and notice of intent on standards and criteria governing the approval of residential developments in VA home loan financing will be mutually determined between the VA and the Department of Housing and Urban Development.

- (d) Provide notices of intent to prepare 102 statements on recommendations or reports relating to legislation and appropriations and on policy or procedure making when the recommendations and reports are being made or when the policy or procedures are approved.

- (e) Provide notices of intent to prepare 102 statements on Federal leases, permits, licenses, certificates, or other entitlements for use when such entitlements are approved.

- (f) Provide notices of intent to prepare 102 statements on the removal or disturbance of sites, buildings, or objects which have significant historical value when projects are approved.

- (3) Provide information to the "Central Point" at inception of any action or at the earliest possible time so that assistance may be given in the environmental assessment process in determining the need for a 102 statement. The final decision as to the need for a 102

statement will be made by the "Central Point."

- (4) Secure information from local, State, and regional offices of Federal agencies during site selection visits or other preliminary investigations involving proposed action which may have a bearing on the environment, such as:

- (a) Maps and photographs.
- (b) Topographic layouts.
- (c) Utilities provided and required.
- (d) Roads.
- (e) Streams, rivers, lakes, etc., nearby.
- (f) Neighboring activities, structures.
- (g) Housing in the area.
- (h) Accessibility.

- (i) Public transportation.
- (j) Botanical and zoological elements.

- (5) A draft 102 statement will be submitted to the "Central Point" a minimum of 6 months prior to proposed action for which a 102 statement is required.

- (6) Provide sufficient information for a draft statement and subsequent final 102 statement on previously authorized or ongoing actions requiring a 102 statement.

- (7) Hold public hearings as necessary, and provide relevant information on proposed environmental action, including information on alternate courses of action.

- (8) As outlined in OMB Bulletin No. 72-6, provide Summary List of section 102(2)(C) Statements information (Exhibit 1 of Appendix E).

- (9) Provide 30 copies of the notice of intent to the "Central Point" for distribution to Government agencies, private groups, and the public. Provide a list of the proposed recipients of the notice of intent.

- (10) Provide 30 copies of the draft 102 statement to the "Central Point" for distribution to CEQ, Federal, State, and local government agencies and for response to requests from the public.

- (11) Provide 30 copies of the final 102 statement including comments for submission to CEQ and for information copies to be distributed to all Federal, State, and local government agencies, private groups and citizens with which the statement was coordinated.

- (12) Information Service will submit a notice of intent to prepare a 102 statement to the local news media (see Appendix I).

- (13) Information Service will determine the need for the issuance of a news release stating that draft or final environmental impact statements, as appropriate, are available from the VA, after notice of completion of the draft or final 102 statement has been given by the "Central Point."

- (14) The Office of the Controller, Budget Service, will appoint an official to perform liaison duties in connection with environmental statements, with the "Central Point" and between his office and cognizant department and staff offices. The Budget Service liaison official will:

- (a) Assure that all information required by paragraph 3b of OMB Bulletin No. 72-6 is available to complete the

summary list indicated in Exhibit 1 of that Bulletin. (See Appendix E.)

(b) Set a time limit for the receipt of the above information prior to submission of the annual budget estimates.

(c) Forward the completed list to OMB along with annual budget estimates.

(15) Submit all VA regulations having an impact on the environment to the "Central Point" for review and comment and final determination of need for a 102 statement.

9. *The VA "Central Point."* Under the general direction of the Deputy Administrator, the ACMD for Administration and Facilities (Engineering Service), DM&S will coordinate, evaluate, and provide guidance in preparing and processing 102 statements. This will be the "Central Point" in VA for matters involving environmental statements. The "Central Point" will:

a. Review decisions by the cognizant department and staff offices regarding whether or not environmental statements are to be made on actions and make final decisions thereon.

b. Review, comment on, and have revised where necessary, all draft and final environmental statements.

c. Distribute copies of notice of intent to prepare a 102 statement.

d. Forward copies of draft and final 102 statements to CEQ. Ten copies of the draft and the final 102 statements with all comments will be forwarded to CEQ.

e. Provide liaison with the CEQ, EPA, and OMB on matters under the NEPA.

f. Distribute draft 102 statements to the appropriate State, regional, and metropolitan clearinghouses.

g. Provide draft 102 statements, consult with and secure comments from Federal, State and local government agencies and from private organizations and citizens on proposed action.

h. Notify the cognizant department or staff office when final 102 statements are filed with CEQ. Copies of the final 102 statements will be provided to the cognizant offices at this time.

i. Review the need for public hearings with the assistance of the General Counsel. A review of comments from government agencies, private groups, and citizens on proposed action will be used to determine whether or not public hearings are required.

j. Notify the Information Service when the notice of intent, draft or final 102 statements have been completed.

k. Submit proposed FEDERAL REGISTER notices of availability of draft or final 102 statements through AA/M&E to the Office of the Administrator, to advise the public where they may be examined or copies obtained. (See Appendix H.)

l. Have the responsibility for consultation in connection with the preparation of a 102 statement by other Federal agencies when such consultation or comments are requested from the VA. The "Central Point" may request VA comments on 102 statements submitted by other agencies or from other VA departments or staff offices at its discretion. A

time limit for comments will be indicated in the referral from the "Central Point."

m. Set time limits for the completion of draft and final 102 statements as required by the proposed action after coordination and consultation with the concerned department or staff offices.

n. Review and comment on VA regulations which have an impact on the environment.

[FR Doc.72-6522 Filed 4-27-72;8:51 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

APRIL 25, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 89084 Sub 4, Interstate Heavy Hauling, Inc., now assigned May 1, 1972, at Salt Lake City, Utah, canceled and the application is dismissed.

MC 97394 Sub 11, Bowling Green Express, Inc., now being assigned hearing May 22, 1972, at Holiday Inn, Interstate 65 Interchange, Cave City, Ky.

MC 71652 Sub 3, Athel Hupp Hudley, Inc., now assigned May 1, 1972, at Salt Lake City, Utah, canceled and the application is dismissed.

MC-C-7624, Great Lakes Express Co., investigation and revocation of certificates, now assigned May 4, 1972, at Chicago, Ill., postponed indefinitely.

MC 2153 Sub 41, Midwest Motor Express, Inc., Extension—Glendive, Mont., now being assigned hearing July 10, 1972, at Bismarck, N. Dak. in a hearing room later to be designated.

FD 26115, Boston and Maine Corp. Reorganization, now assigned May 1, 1972, at Boston, Mass., will be held in Court Room No. 3, 12th Floor, John W. McCormack Building, Post Office, Courthouse, Post Office Square, instead of Room 2211B, John F. Kennedy Building, Government Center, same day and time.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6540 Filed 4-27-72;8:49 am]

### FOURTH SECTION APPLICATION FOR RELIEF

APRIL 25, 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 publi-

cation of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 42406—*Phosphates between points in Southwestern Illinois Freight Association and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B-312), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunkline territories, on the other.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 59 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on June 1, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6539 Filed 4-27-72;8:49 am]

[Special Permission No. 72-3700, Amdt. 2]

### INCREASED RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of April 1972.

Advance effective date of corrected rates and charges and provisions in tariff of increased rates and charges X-281-A.

By special permission application No. C-2950, as amended, filed by Traffic Executive Association—Eastern Railroads, Agent, for and in behalf of carriers parties to Ex Parte No. 281, authority is sought to advance the effective date of Supplement 3 to its Tariff of Increased Rates and Charges X-281-A, ICC C-908, joint with other agents, from May 20, 1972 to May 1, 1972, including authority to correct errors made in Supplement No. 3, upon 1 day's notice, as set forth in the application. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It appearing, that, the proposal would reduce published increases, and correct errors, and good cause for the action sought having been shown,

It is ordered, that, special permission application No. C-2950, as amended, be, and it is hereby, granted, except effective upon not less than 7 days' notice.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6541 Filed 4-27-72;8:50 am]

[Special Permission No. 72-3700; Amdt. 1]

### WAIVER OF TARIFF PUBLISHING RULES

At a General Session of the Interstate Commerce Commission, held at its office

in Washington, D.C., this 14th day of March 1972.

Ex Parte No. 281, increased freight rates and charges, 1972; waiver of tariff publishing rules.

Upon consideration of the petition dated and filed March 10, 1972, by James L. Tapley and other attorneys for and on behalf of respondent carriers, amending the original statement of proposed selective increases, insofar as it requests amendment of the Special Permission No. 72-3700, which granted relief from certain tariff publishing rules, so as to include therein references to the petition as now amended and to amend the first ordering paragraph to substitute "not exceeding those" in place of "as" following the words "rates and charges", in order to permit publication in the initial master tariff of the new greater and lesser increases identified in the petition and also unspecified selective increase (or no-increase) provisions which are different from but in no case higher than those specifically set forth in the petition as amended March 10, 1972.

For good cause shown, it is ordered that:

1. The Special Permission No. 72-3700, dated March 6, 1972, be and it is hereby amended as requested; in all other respects the terms of the original permission shall remain the same.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-6542 Filed 4-27-72; 8:50 am]

[Notice 53]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person 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-73348. By order of April 18, 1972, the Motor Carrier Board approved the transfer to WMA Interstate Motor Lines, Inc., Washington, D.C., of the op-

erating rights in Certificate No. MC-3677 and subnumbers thereunder issued to WMA Transit Company, a corporation, Bradbury Heights, Md., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Washington, D.C., and Andrews Field, Camp Springs, Md., and numerous other points in Maryland, serving all intermediate points. L. C. Major, Jr., and Russell R. Sage, Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314, attorneys for applicants.

No. MC-FC-73380. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Taylor Trucking Co., Inc., East Rutherford, N.J., of the operating rights in Certificate No. MC-133704 (Sub-No. 1), issued July 14, 1971, to Dependable Container Service, Inc., Brooklyn, N.Y., authorizing the transportation of general commodities, with usual exceptions, from Philadelphia, Pa., to New York, N.Y., and from points in New Jersey, Delaware, and Maryland, to Philadelphia, Pa.; electric fixtures and supplies, from New York, N.Y., to Philadelphia, Pa., and from Philadelphia, Pa., to points in New Jersey; equipment, materials, and supplies used in connection with dog-shows, not including animals between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, and Massachusetts; teletype machines and equipment, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Maryland, and Delaware; and glassware, from New York, N.Y., to Philadelphia, Pa. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, registered practitioner for applicants.

No. MC-FC-73488. By order of April 18, 1972, the Motor Carrier Board approved the transfer to Empire Fuel & Transfer Co., a corporation, Coos Bay, Oreg., of that portion of the operating rights set forth in Certificate No. MC-113466, issued May 29, 1961, to Cecil E. Alto and Robert A. Alto, doing business as Alto Bros. Trucking, Eureka, Calif., authorizing the transportation of: Logs, lumber, piling, plywood, poles, posts, and wooden shingles, between points in Klamath, Jackson, Josephine, Curry, Coos, and Douglas Counties, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201.

No. MC-FC-73518. By order of April 21, 1972, the Motor Carrier Board approved the transfer to L. B. Transport, Inc., Bradgate, Iowa, of the operating rights in Certificates Nos. MC-117386 (Sub-No. 1), MC-117386 (Sub-No. 3), and MC-117386 (Sub-No. 5), issued May 4, 1959, October 21, 1960, and June 18, 1971, respectively, to Lee S. Burris, Bradgate, Iowa, authorizing the transportation of liquid fertilizer, in bulk, in tank vehicles, from Humboldt, Iowa, to specified parts in Minnesota and

Nebraska; and from the plantsite of Farmland Industries, Inc., at Humboldt, Iowa, to specified points in South Dakota. Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501, representative for applicants.

No. MC-FC-73524. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Wright Trucking, Inc., Jamestown, N. Dak., of Certificate No. MC-129972, issued June 11, 1969, to Gerald D. Wright, Jamestown, N. Dak., authorizing the transportation of malt beverages and articles dealt in by wholesale beverage distributors, from Minneapolis and St. Paul, Minn., and La Crosse and Milwaukee, Wis., to Jamestown and Bismarck, N. Dak. Thomas J. Van Osdal, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC-FC-73560. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Carroll's Torrington Express Co., a corporation, Torrington, Conn., of Certificate of Registration No. MC-97925 (Sub-No. 1), issued June 30, 1964, to George F. Carroll, doing business as Carroll's Torrington Express, Torrington, Conn., evidencing a right to engage in transportation in interstate commerce as described in certificate C-1154, dated January 19, 1951, as amended October 22, 1956 issued by the Public Utilities Commission of Connecticut. Richard M. Krezek, 41 Tallwood Drive, Southington, CT 06489, attorney for applicants.

No. MC-FC-73612. By order of April 21, 1972, the Motor Carrier Board approved the transfer to M. H. Mesenbring, doing business as Mike's Trucking, Bourbonnais, Ill., of the operating rights in Certificates No. MC-119777 (Sub-No. 1) and MC-119777 (Sub-No. 31) issued October 16, 1967, and November 10, 1965, respectively to Ligon Specialized Hauler, Inc., Madisonville, Ky., authorizing the transportation of various commodities from Kankakee, Ill., to points in New York and Pennsylvania. Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-73619. By order of April 6, 1972, the Motor Carrier Board approved the transfer to Scholastic Transit Co., a corporation, Northbrook, Ill., of the operating rights in Certificate No. 43263 issued January 6, 1967, to United Motor Coach Co., a corporation, Des Plaines, Ill., authorizing the transportation of passengers and their baggage in special or charter service, from Des Plaines, Ill., and points within 20 miles thereof, to points in Illinois, Indiana, and Wisconsin, and return. Abraham A. Diamond, 33 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-6537 Filed 4-27-72; 8:49 am]

[Notice 58]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 27, 1972.

The following are notices of filing of applications<sup>1</sup> 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 1641 (Sub-No. 96 TA), filed April 7, 1972. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Denison, Iowa, to points in Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: R. O. Brown, Manager Operations, Standard Oil Division, American Oil Co. (Western Region), 114 East Armour Boulevard, Kansas City, MO 64111. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 61496 (Sub-No. 232 TA), filed April 7, 1972. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189, Downtown Station 68110, Omaha, NE 68101. Authority sought to operate as a *common carrier*,

<sup>1</sup>Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from plantsite of Penn-Dixie Cement Corp., from near Kingsport, Tenn., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Penn-Dixie Cement Corp., Post Office Box 152, Nazareth, PA 18064. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 96925 (Sub-No. 3 TA), filed April 7, 1972. Applicant: JACKSONVILLE TRANSFER & STORAGE, INC., 127 Willowbranch Avenue, Jacksonville, FL 32205. Applicant's representative: James E. Wharton, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission) over the following routes: Between Orlando, Fla., and Ocala, Fla., serving all intermediate points and the off-route points of Eustis and Altamonte Springs, Fla.: From Orlando over U.S. Highway 441 to Ocala, and return over the same route; between Orlando, Fla., and Leesburg, Fla., serving all intermediate points: From Orlando over Florida Highway 50 to junction Florida Highway 33, thence over Florida Highway 33 to junction U.S. Highway 27, and thence over U.S. Highway 27 to Leesburg, and return over the same route; between De Land, Fla., and Eustis, Fla., serving all intermediate points: From De Land over Florida Highway 44 to Eustis, and return over the same route; between De Land, Fla., and Altoona, Fla., serving all intermediate points: From De Land over Florida Highway 42 to Altoona, and return over the same route; between Eustis, Fla., and Groveland, Fla., serving all intermediate points: From Eustis over Florida Highway 19 to Groveland, and return over the same route; between Ocala, Fla., and Barberville, Fla., serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing, and Connor, Fla.:

From Ocala over Florida Highway 40 to Barberville, and return over the same route; between Sanford, Fla., and Mount Dora, Fla., serving all intermediate points: From Sanford over Florida Highway 46 to Mount Dora, and return over the same route; between Astor Park, Fla., and Clermont, Fla., serving all intermediate points: From Astor Park over Florida Highway 445 to junction Florida High-

way 19, thence over Florida Highway 19 to junction Florida Highway 561, and thence over Florida Highway 561 to Clermont, and return over the same route; between Jacksonville, Fla., and New Smyrna Beach, Fla., serving all intermediate points and the off-route point of Ormond Beach, Fla.: From Jacksonville over U.S. Highway 1 to New Smyrna Beach, and return over the same route; between Jacksonville, Fla., and Greenland, Fla., as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From Jacksonville over Alternate U.S. Highway 1 (via John E. Matthews Bridge), to junction U.S. Highway 1, thence over U.S. Highway 1 to Greenland, and return over the same route; between Hawthorne, Fla., and Palatka, Fla., serving all intermediate points and the off-route point of Edgar, Fla.: From Hawthorne over Florida Highway 20 to Palatka, and return over the same route; between St. Augustine, Fla., and Bunnell, Fla., serving all intermediate points: From St. Augustine over Florida Highway 207 to Palatka, Fla., thence over Florida Highway 100 to junction Florida Highway 20, and thence over Florida Highway 20 to Bunnell, and return over the same route; between De Land, Fla., and New Smyrna Beach, Fla., serving all intermediate points: From De Land over Florida Highway 44 to New Smyrna Beach, and return over the same route; between De Land, Fla., and Daytona Beach, Fla., serving all intermediate points: From De Land over U.S. Highway 17 to junction U.S. Highway 92, thence over U.S. Highway 92 to Daytona Beach and return over the same route; between De Land, Fla., and Bunnell, Fla., serving all intermediate points: From De Land over U.S. Highway 17 to junction Florida Highway 11, and thence over Florida Highway 11 to Bunnell, and return over the same route; between Bunnell, Fla., and Flagler Beach, Fla., serving all intermediate points: From Bunnell over Florida Highway 100 to Flagler Beach, and return over the same route; between Jacksonville, Fla., and Ocala, Fla., serving all intermediate points:

From Jacksonville over Florida Highway 228 to Maxville, Fla., thence over U.S. Highway 301 to Waldo, Fla., thence over U.S. Highway 441 to Ocala, and return over the same route; between Jacksonville, Fla., and Lake City, Fla., serving all intermediate points: From Jacksonville, Fla., over U.S. Highway 90 to Lake City, Fla., and return over the same route; between Lake City, Fla., and Gainesville, Fla.: From Lake City, Fla., over U.S. Highway 441, to Gainesville, Fla., and return over the same route; between New Smyrna Beach, Fla., and Melbourne, Fla., serving all intermediate

points: From New Smyrna Beach, Fla., over U.S. Highway No. 1 to Melbourne, Fla., and return over the same route; between Melbourne, Fla., and Orlando, Fla., serving all intermediate points: From Melbourne, Fla., over U.S. Highway 192 to Ashton, Fla., thence over Florida State Road 15 to Orlando, Fla., and return over the same route; between Lake City and Quincy, Fla., over U.S. Highway 90, serving all intermediate points: Between Lake City and point of intersection between Interstate Highway 10 and U.S. Highway 90 near Falmouth, Fla., as follows: From Lake City, Fla., over U.S. Highway 441 to points of intersection with Interstate Highway No. 10, thence over Interstate Highway No. 10 to point of intersection with U.S. Highway 90 near Falmouth, Fla., and return over the same routes serving no intermediate points as an alternate route for operating convenience only. Between Gainesville, Fla., and Tallahassee, Fla., over the following route: From Gainesville, Fla., over Interstate Highway 75 to Alachua, Fla., thence over U.S. Highway 27 to Tallahassee, Fla., and return over the same route serving no intermediate points as an alternate route for operating convenience only.

In connection with the above routes, applicant seeks to serve all other points as intermediate and off-route points in a section of Florida bordered on the east by the Atlantic Ocean, on the south by a line commencing at the Atlantic Ocean at Melbourne, Fla., thence along U.S. Highway 192 to point of intersection with the eastern boundary of Osceola County, thence along the eastern boundary of Osceola County south to the southern boundary of Osceola County, thence westerly along the southern boundary of Osceola County to the eastern boundary of Polk County, thence along the eastern boundary of Polk County in a northerly direction to intersection with the western boundary of Orange County, thence northerly along the western boundary of Orange County to point of intersection with State Road 50, thence along State Road 50 to Groveland, Fla., thence north on State Road 33 to point of intersection with the Sunshine State Parkway, thence along the Sunshine State Parkway in a northwesterly direction to point of intersection with Interstate Highway 75 near Wildwood, Fla., thence along Interstate Highway 75 to point of intersection with Interstate Highway No. 10, thence east along Interstate Highway 10 to point of intersection with U.S. Highway 441, thence north along U.S. Highway 441 to the Florida-Georgia State line and bordered on the north by the Florida-Georgia State line to point

of intersection with the Atlantic Ocean. Applicant also seeks authority to serve all other points as intermediate and off-route points in connection with same described routes in the counties of: Gadsden, Leon, Jefferson, Madison, Hamilton, Suwannee, Columbia, Baker, and Duval, for 180 days. NOTE: Applicant seeks authority to tack the authority requested hereinabove with its existing authority as presently issued to it by this Commission. Supporting shippers: There are approximately 25 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 107403 (Sub-No. 834 TA), filed April 6, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bauxite*, from Marrero, La., to Redwood, Miss., for 180 days. Supporting Shipper: Allied Chemical Corp., Post Office Box 1139R, Morristown, NJ 07960. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 115826 (Sub-No. 243 TA), filed April 5, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver CO 80217, Terminal Annex 80216. Applicant's representative: Ezekiel Gomez (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen food, frozen fruit and vegetables, frozen and non-frozen potato products*, from points in Oregon and Washington to Turlock and Atwater, Calif., and cold storage facilities utilized by Banquet Foods, and the commercial zones thereof, for 180 days. Supporting shipper: Banquet Foods Corp., Post Office Drawer 1809, Turlock, CA 95380. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116077 (Sub-No. 324 TA), filed April 6, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Delmas W. Heinke (same address as above). Au-

thority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chromic sulfuric solutions and etchants*, from Garland, Tex., to Eau Claire, Wis., and spent etchants, from Eau Claire, Wis., to Garland, Tex., for 180 days. Supporting shipper: Southern California Chemical Co., Inc., Barry N. Dees, Branch Manager, 1000 Profit Drive, Garland, TX 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116077 (Sub-No. 325 TA), filed April 6, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Delmas W. Heinke (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chromic sulfuric solutions and etchants*, from Garland, Tex., to Tampa, Fla., and spent etchants, from Tampa, Fla., to Garland, Tex., for 180 days. Supporting shipper: Southern California Chemical Co., Inc., Barry N. Dees, Branch Manager, 1000 Profit Drive, Garland, TX 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116459 (Sub-No. 43 TA), filed April 6, 1972. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Riveville Road, Route 5, Chattanooga, TN 37405. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry bulk chemicals* (except fertilizer and fertilizer materials), from the plantsite of Bulk Distribution Centers, Inc., Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and Tennessee, for 100 days. Supporting shipper: Bulk Distribution Centers, Inc., Post Office Box 19022, Louisville, KY 40219. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 119118 (Sub-No. 35 TA), filed April 7, 1972. Applicant: McCURDY TRUCKING, INC., Post Office Box 388, Rural Delivery No. 4, Latrobe, PA 15650. Applicant's representative: Lewis W. McCurdy (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, (a) from Frankenmuth, Mich., to points in Illinois, Indiana, Kentucky,

New York, Ohio, Wisconsin, Pennsylvania, West Virginia, and St. Louis, Mo., and Baltimore, Md., and (b) from Baltimore, Md., to points in Illinois, Kentucky, and St. Louis, Mo., for 120 days. Supporting shipper: Carling Brewing Co., 610 Lincoln Street, Waltham, MA 02154. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 124083 (Sub-No. 43 TA), filed April 4, 1972. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from South Bend, Elkhart, Kokomo, Columbus, and Indianapolis, Ind., to Three Rivers, Mich., for 180 days. Supporting shipper: Hurwicz Iron Co., Inc., Lafountain Square, 3825 South Lafountain Street, Kokomo, IN 46901. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 126038 (Sub-No. 8 TA), filed April 7, 1972. Applicant: PENINSULA PRODUCTS, INC., 47 Northeast Middlefield Road, Portland, OR 97211. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, from points in Washington to points in California, under contract with International Paper Co., for 180 days. Supporting shipper: Long-Bell Division, International Paper Co., Box 579, Longview, WA 98632. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 126539 (Sub-No. 10 TA), filed April 5, 1972. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Soy products*, from Gladbrook, Iowa, to Marion, Ohio, for 180 days. Supporting shipper: Central Iowa Bean Mill, Gladbrook, Iowa 50635. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128608 (Sub-No. 5 TA), filed April 6, 1972. Applicant: M.D.I. TRUCKING CORP., 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: David E. Rosenberg, Box 481, Washington, PA 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formed metal building products, materials, supplies, and equipment* for the erection thereof, from the plantsite of Plasteel Products Corp., Washington, Pa., to the River Project Navajo Generating Station, Page, Ariz., no return movement other than returned or rejected material, for 180 days. Supporting shipper: Plasteel Products Corp., Box 481, Washington, PA 15301. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135182 (Sub-No. 2 TA), filed April 6, 1972. Applicant: TRANS-WAYS CO., Moscow, Pa. 18444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products*, used in or produced by the food processing industry, for the account of Welch Foods, Inc., between Erie, North East, Pa., Westfield, Dunkirk, Buffalo, and Newark, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Welch Foods, Inc., Westfield, N.Y. 14787. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135809 (Sub-No. 1 TA), filed March 3, 1972. Applicant: B-H TRANSFER CO., Post Office Box 269, Sandersville, GA 31082. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Suite 600, Washington,

DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry*, restricted to traffic having a subsequent movement by water, and *empty cargo containers* in return movement, from Sandersville, Ga., and Kaolin, Ga., to points in Chatham County, Ga., and Charleston, N.C., and Port Royal, S.C., for 180 days. Supporting shippers: Georgia Kaolin Co., 433 North Broad Street, Elizabeth, NJ 07207; GITC, Inc., 2 Whitaker Street, Post Office Box 126, Savannah, GA 31402; Angle-American Clays Corp., 52 Executive Park South, Atlanta, GA 30329; United Sierra, Box 1201, Trenton, NJ 08606; Burgess Pigment Co., Sandersville, Ga. 31082; J. K. Ebberwein Foreign Freight Forwarder, Savannah, Ga. 34102; Strachan Shipping Co., Chatham County, Ga.; Georgia Ports Authority, 1131 Healey Building, Atlanta, Ga. 30303. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136014 (Sub-No. 2 TA), filed April 5, 1972. Applicant: INTERNATIONAL CONTAINER SERVICE, INC., 2416 North Marine Drive, North Portland, OR 97043. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, in cargo containers only, between ports of entry at Blaine, Seattle, Tacoma, Longview, and Vancouver, Wash., and Astoria and Portland, Ore., on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Montana, and Nevada, limited to traffic having an immediate, prior or subsequent movement by water, or air; and (2) *empty cargo containers and chassis*, between the same points and areas, for 180 days. Supporting shippers: Williams, Dimond & Co., 1515 Pacific Building, Seattle, Wash. 98104; Ziegler International, 260 Spear Street, San Francisco, CA 94105; Olympic Steamship Co., Inc., World Trade Building, Portland, Ore. 97204; Port of Portland, Box 3529, Portland, OR 97208; Acme Trading & Supply Co., 4927 Northwest Front Avenue, Portland, OR 97210; Mindel Brokerage Co., Post Office Box 336, Lake Oswego, OR 97034; Empire

Metals Corp., Post Office Box 14250, Portland, OR 97214; Cahen Trading Co., Inc., Post Office Box 17006, Portland, OR 97217. Send protests to: District Supervisor W. J. Huetig Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136561 (Sub-No. 1 TA), filed April 7, 1972. Applicant: HOLLIS ELLIS, doing business as MORSE TRANSFER & STORAGE COMPANY, 401 West Broadway, Sweetwater, TX 79556. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between points in Nolan County, Tex., and points in the counties of Nolan, Kent, Stonewall, Scurry, Fisher, Coke, Tom Green, Concho, Schleicher, Mitchell, Menard, Sutton, and Kimble, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136562 (Sub-No. 1 TA), filed April 7, 1972. Applicant: TEXAS FIRE-PROOF STORAGE COMPANY, INC., 11th Street and Mary Avenue, Waco, Tex. 76703. Applicant's representative: V. D. Pollard (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communications, between points in McLennan County, Tex., and points in the counties of Bell, Falls, Limestone, Coryell, McLennan, Hill, Bosque, and that portion of Freestone County lying west of Interstate Highway No. 45 in Texas, for

180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136584 (Sub-No. 1 TA), filed April 7, 1972. Applicant: J. D. MOORE TRANSFER, INC., 249 Cherry Street, Abilene, TX 79604. Applicant's representative: Lloyd A. Anderson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communication, between points in Taylor and Jones Counties, Tex., and points in the counties of Taylor, Jones, Knox, Haskell, Callahan, Runnels, and Coleman, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136595 TA, filed April 5, 1972. Applicant: FRANK J. WILLIAMS, doing business as EASTSIDE MOBILE HOME TRANSPORTING, 1440 South A Street, Springfield, OR 97477. Applicant's representative: Frank J. Williams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Factory built sectionalized buildings*, from points in the commercial zone and terminal areas of Eugene, Oreg., to points in Washington, for 180 days. Supporting shipper: Bohemia Lumber Co., Inc., 2280 Oakmont Way, Eugene, OR 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 136577 (Sub-No. 1 TA), filed April 7, 1972. Applicant: CENTRAL FORWARDING, INC., Post Office Box 1519, Waco, TX 76703. Applicant's representative: Henry Alexander (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communication, between points in Dallas County, Tex., and points in the counties of Dallas, Ellis, Navarro, and Kaufman, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Wood Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136579 (Sub-No. 1 TA), filed April 7, 1972. Applicant: BINYON O'KEEFE STORAGE COMPANY, 800 Calhoun Street, Fort Worth, TX 76102. Applicant's representative: O. D. Shackelford (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communications, between points in Tarrant County, Tex., and points in Tarrant, Wise, Parker, Hood, Somervell, and Johnson Counties, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-6538 Filed 4-27-72; 8:49 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determinations for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Arkansas, California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas.

Area Wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1591, AM-1592, AM-1603, AM-1604, AM-1605	Aug. 6, 1971
AM-332 (8599), AM-334, AM-337 (8598), AM-351 (8600), AM-357 (8602), AM-359 (8601), AM-363	Aug. 13, 1971
AM-395 (8603), AM-396 (8604), AM-397 (8605), AM-422	Aug. 18, 1971
AM-479 (9694), AM-1849, AM-1850, AM-1851, AM-1855, AM-1857, AM-1858, AM-1861, AM-1866	Aug. 20, 1971
AM-3573 (11,416), AM-3616 (6724), AM-3626, AM-3627 (11,417)	Aug. 25, 1971
AM-2513, AM-2514, AM-2516, AM-2518, AM-2519, AM-2520, AM-2521, AM-2522, AM-2523	Aug. 27, 1971

Decision No.	Date
AM-2525	Sept. 3, 1971
AM-6131	Nov. 12, 1971
AM-6242	Nov. 19, 1971
AM-8582	Feb. 11, 1972
AM-9684, AM-9685, AM-9686, AM-9687, AM-9688, AM-9689	Mar. 10, 1972
AM-8588	Mar. 17, 1972
AM-11,408, AM-11,409, AM-11,410	Mar. 31, 1972
AM-9691, AM-9692	Apr. 14, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

These modification 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 21st day of April 1972.

HORACE E. MENASCO,  
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-8,588-87 F.R. 5054 (Mar. 17, 1972); Arkansas, Louisiana, Mississippi, and Tennessee.						
<b>CHANGE:</b>						
Description of work to read: For construction of all river, harbor and flood control work on the Mississippi River and tributaries in Tennessee, Mississippi, Louisiana, and Arkansas, excluding the metropolitan areas of Vicksburg, Greenville, and Natches, Miss.; Pine Bluff, Little Rock, and Fort Smith, Ark.; Memphis, Tenn.; and New Orleans, Baton Rouge, Alexandria, Monroe, and Shreveport, La.						
WD No. AM-3,525-86 F.R. 17708; Sept. 3, 1971. The 46 northern California counties are all those located north of Kern and San Luis Obispo Counties and west of Inyo and Mono Counties. Modification No. 7						
<b>CHANGE:</b>						
Laborers:						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers; toolroom attendant	\$5.185	\$0.50	\$0.90	\$0.70	\$0.06	
Asphalt shovellers; cement dumper; chipper; choker setter and rigger; chuck tender; concrete; guinea chaser; high pressure nozzleman—hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.285	.50	.90	.70	.06	
Aligners; asphalt ironers and rakers; bucket; buggy/mobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; faller; headerboard man; posthole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker; pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; Rototiller; sandblaster; Barko; wackers and similar type tampers; tank cleaners; tree climber; vibrator; Vibra-screed bull float	5.435	.50	.90	.70	.06	
Burning and welding	5.485	.50	.90	.70	.06	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.50	.90	.70	.06	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.90	.70	.06	
Laborers on general construction work on or in bell mole footings and shaft	5.985	.50	.90	.70	.06	
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	
Reboundman	5.305	.50	.90	.70	.06	
*Area I: Power equipment operators:						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	6.15	.59	.75	.00	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman, hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.59	.75	.60	.24	

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>* Area 1: Power equipment operators—continued</b>						
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); Rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports, and canals); trenching machine (maximum digging capacity 3 ft. depth); tigger hoist, single drum.	6.56	.59	.75	.60	.24	
Group IV: Ballast jack tamper; ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); forklift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile.	6.99	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7).	7.15	.59	.75	.60	.24	
Group VI: BLH Lima Road Pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); grade setter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slag vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell, Bridge Deck, or similar types); mechanical burn, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (Berault, CRC, or similar types); slip form pumps (lifting device for concrete forms); small rubber tired tractors; surface heater.	7.25	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual-drum mixer; fuller-Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe-bending machine (pipelines only); pipe-cleaning machine (tractor-propelled and supported); pipe-wrapping machine (tractor-propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom); soil tested; truck type loader.	7.36	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipelaying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy-duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber-tired earth moving equipment (up to and including 45 cu. yd. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodmixer (and other similar pugmill equipment).	7.66	.59	.75	.60	.24	
Group IX: Canal finger drain digger, Chicago boom; combination mixer and compressor (Gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar).	7.83	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams elegrader; elevating grader operator; rubber-tired scraper, self-loading (paddle wheels, etc.); heavy-duty rotary drills rigs including emulsion foundation work and Robbins type drills; Koehring skooter (or similar); lift slab machine (Vagtborg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & II or equal); subgrader (Gurries or other automatic type); track laying type—earth-moving machine (single engine with tandem scrapers); tractor, compressor drill combination; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons).	7.98	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader (over 1/2 cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gradeall (up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom type lifting device (center mount) (over 10 tons); self-propelled boom type lifting device (center mounted) (over 15 tons).	8.07	.59	.75	.60	.24	
Group X-B: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons, up to and including 125 tons); continuous flight tieback auger over 1 cu. yd. (including crane); Drott Travellift 650-A-1 or similar (45 tons or over); rubber tired earth-moving machines (multiple propulsion power units and 2 or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Gradealls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes, mobile; single engine rubber tired earth-moving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons).	8.19	.59	.75	.60	.24	
Group X-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earth-moving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); bandwagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons).	9.00	.59	.75	.60	.24	
Group X-B: Loader (over 18 cu. yd.)	9.20	.59	.75	.60	.24	
Group X-C: Operator of helicopter (when used in erection work); remote controlled earth-moving equipment.	9.42	.59	.75	.60	.24	
<b>** Area 2: Power equipment operators:</b>						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room).	7.28	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman, hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated).	7.54	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); Rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports, and canals); trenching machine (maximum digging capacity 3 ft. depth); tigger hoist, single drum.	7.69	.59	.75	.60	.24	

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>** Area 2: Power equipment operators—continued</b>						
Group IV: Ballast jack tamper; ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	8.12	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24	
Group VI: BLH Lima Road Pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); grade setter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons); Maginnis internal full slab vibrator (on airports, highways, canals, and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell, Bridge Deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (Perault, CRC, or similar types); slip form pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	8.38	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller-Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe-bending machine (pipelines only); pipe-cleaning machine (tractor-propelled and supported); pipe-wrapping machine (tractor-propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom); soil tester; truck type loader	8.49	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipelaying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; Push cat; rubber tired earth moving equipment (up to and including 45 cu. yd. "struck", m.r.c., Euclid, Tournapulls DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; Tri-batch paver; tunnel mole boring machine operator; welder; Woods-mixer (and other similar pugmill equipment)	8.79	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunita); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger or similar)	8.96	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Carry-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including 3/4 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams Elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring Skooper (or similar); lift slab machine (Vagtberg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth-moving machine (Euclid, dozers, etc.) (no tandem scraper); prestress wire-wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (Gurries or other automatic type); track-laying type earth-moving machine (single engine with tandem scrapers); tractor, compressor drill combination; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over 3/4 cu. yd. m.r.c.; continuous flight tieback auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gradaeal up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tieback auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); rubber tired earth-moving machines (multiple propulsion power units and 2 or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, gradalls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes, mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth-moving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	9.32	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earth-moving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); bandwagons (in conjunction with wheel excavator); wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth-moving equipment	10.55	.59	.75	.60	.24	

## CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

\*\*Area 2: All areas not included within Area 1 as defined below.

\*Area 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the southerly line of township 19S.

Thence easterly along the southerly line of township 19S, crossing the Mount Diablo meridian to the southwest corner of township 19S, range 6E, Mount Diablo base line and meridian.

Thence southerly to the southwest corner of township 20S, range 6E.

Thence easterly to the southwest corner of township 20S, range 13E.

Thence southerly to the southwest corner of township 21S, range 13E.

Thence easterly to the southwest corner of township 21S, range 17E.

Thence southerly to the southwest corner of township 22S, range 17E.

Thence easterly to the southeast corner of township 22S, range 17E.

Thence southerly to the southwest corner of township 23S, range 18E.

Thence easterly to the southeast corner of township 23S, range 18E.

Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.

Thence northerly to the northeast corner of township 21S, range 20E.

Thence westerly to the northwest corner of township 21S, range 29E.

Thence northerly to the northeast corner of township 13S, range 28E.

Thence westerly to the northwest corner of township 13S, range 28E.

Thence northerly to the northeast corner of township 11S, range 27E.

Thence westerly to the northwest corner of township 11S, range 27E.

Thence northerly to the northeast corner of township 10S, range 26E.

Thence westerly to the northwest corner of township 10S, range 26E.

Thence northerly to the northeast corner of township 9S, range 25E.

Thence westerly to the northwest corner of township 9S, range 25E.

Thence northerly to the northeast corner of township 8S, range 24E.

Thence westerly to the northwest corner of township 8S, range 24E.

Thence northerly to the northeast corner of township 6S, range 23E.

Thence westerly to the southeast corner of township 6S, range 19E.

Thence northerly to the northeast corner of township 5S, range 19E.

Thence westerly to the northwest corner of township 5S, range 19E.

Thence northerly to the northeast corner of township 3S, range 18E.

Thence westerly to the northwest corner of township 3S, range 18E.

Thence northerly to the northeast corner of township 2S, range 17E.

Thence westerly to the northwest corner of township 2S, range 17E.

Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E.

Thence westerly to the northwest corner of township 2N, range 16E.

Thence northerly to the northeast corner of township 3N, range 15E.

Thence westerly to the northwest corner of township 3N, range 15E.

Thence northerly to the northeast corner of township 4N, range 14E.

Thence westerly to the northwest corner of township 4N, range 14E.

Thence northerly to the northeast corner of township 5N, range 13E.

Thence westerly to the northwest corner of township 5N, range 13E.

Thence northerly to the northeast corner of township 10N, range 12E.

Thence easterly to the southeast corner of township 11N, range 14E.

Thence northerly to the northern corner of township 11N, range 14E.

Thence westerly to the northeast corner of township 11N, range 10E.

Thence northerly to the northeast corner of township 15N, range 10E.

Thence easterly to the southeast corner of township 16N, range 11E.

Thence northerly to the northeast corner of township 16N, range 11E.

Thence easterly to the southeast corner of township 17N, range 14E.

Thence southerly to the southwest corner of township 14N, range 15E.

Thence easterly to the southeast corner of township 14N, range 15E.

Thence southerly to the southwest corner of township 13N, range 16E.

Thence easterly to the southeast corner of township 13N, range 16E.

Thence southerly to the southwest corner of township 12N, range 17E.

Thence easterly along the southern line of township 12N to the eastern boundary of the State of California:

Thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E:

Thence westerly to the northwest corner of township 17N, range 11E.

Thence northerly to the northeast corner of township 20N, range 10E.

Thence westerly to the northwest corner of township 20N, range 10E.

Thence northerly to the northeast corner of township 21N, range 9E.

Thence westerly to the northwest corner of township 21N, range 9E.

Thence northerly to the northeast corner of township 22N, range 8E.

Thence westerly to the northwest corner of township 22N, range 8E.

Thence northerly to the southwest corner of township 27N, range 8E.

Thence easterly to the southeast corner of township 27N, range 8E.

Thence northerly to the northeast corner of township 28N, range 8E.

Thence westerly to the northwest corner of township 28N, range 7E.

Thence northerly to the northeast corner of township 30N, range 6E.

Thence westerly to the northwest corner of township 30N, range 1E.

Thence northerly along the Mount Diablo meridian to the northeast corner of township 34N, range 1W:

Thence westerly to the northwest corner of township 34N, range 6W.

Thence southerly to the northeast corner of township 32N, range 7W.

Thence westerly to the northwest corner of township 32N, range 7W.

Thence southerly to the southwest corner of township 30N, range 7W.

Thence easterly to the southeast corner of township 30N, range 7W.

Thence southerly to the southwest corner of township 16N, range 6W.

Thence easterly to the southeast corner of township 16N, range 6W.

Thence southerly to the southwest corner of township 14N, range 5W.

Thence westerly to the southeast corner of township 14N, range 7W.

Thence northerly to the northeast corner of township 14N, range 7W.

Thence westerly to the northwest corner of township 14N, range 7W.

Thence northerly to the northeast corner of township 15N, range 8W.

Thence westerly to the southeast corner of township 16N, range 12W.

Thence northerly to the northeast corner of township 16N, range 12W.

Thence westerly to the northwest corner of township 16N, range 12W.

Thence northerly to the northeast corner of township 18N, range 13W.

Thence westerly to the northwest corner of township 18N, range 14W.

Thence southerly to the southwest corner of township 18N, range 14W.

Thence easterly to the southeast corner of township 18N, range 14W.

Thence southerly to the southwest corner of township 16N, range 13W.

Thence westerly to the northwest corner of township 16N, range 14W.

Thence southerly to the southwest corner of township 14N, range 14W.

Thence easterly to the southeast corner of township 14N, range 11W.

Thence southerly to the southwest corner of township 13N, range 13W.

Thence easterly to the southeast corner of township 13N, range 13W.

Thence southerly to the southwest corner of township 11N, range 12W.

Thence easterly to the southeast corner of township 11N, range 12W.

Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian:

Thence in a southerly direction to the southwest corner of township 7S, range 3E.

Thence in a easterly direction to the southeast corner of township 7S, range 4E.

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence in a northerly direction to the northeast corner of township 6S, range 4E.  
 Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.  
 Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.  
 Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W.  
 Thence southerly to the southwest corner of township 1N, range 1W.  
 Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.  
 Thence southerly to the southwest corner of township 2S, range 2E.  
 Thence easterly to the southeast corner of township 2S, range 2E.  
 Thence southerly to the southwest corner of township 4S, range 3E.  
 Thence easterly to the southeast corner of township 4S, range 3E.  
 Thence northerly to the northeast corner of township 2S, range 3E.  
 Thence westerly to the northwest corner of township 2S, range 3E.  
 Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.  
 Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.  
 Thence northerly to the northeast corner of township 9N, range 3E.  
 Thence westerly to the northwest corner of township 9N, range 2E.  
 Thence northerly to the northeast corner of township 10N, range 1E.  
 Thence westerly along the northerly line of township 10N, into the Pacific Ocean.  
 Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.  
 Thence southerly to the southwest corner of township 44N, range 7W.  
 Thence easterly to the southeast corner of township 44N, range 7W.  
 Thence southerly to the southwest corner of township 43N, range 6W.  
 Thence easterly to the southeast corner of township 43N, range 5W.  
 Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California.  
 Thence westerly along the northerly boundary of the State of California to the point of beginning.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-6,131-36 F.R. 21725—November 12, 1971—Amador, Contra Costa, Marin, Merced, Monterey, Nevada, Placer, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, Sonoma, Sutter, Yolo and Yuba Counties, Calif., Modification No. 4.						
<b>CHANGE:</b>						
<b>Laborers:</b>						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers tool room attendant	\$5.185	\$0.50	\$0.90	\$0.70	\$0.06	-----
Asphalt shovellers; cement dumper; chipper; choker setter and rigger; chuektender; concrete; guinea chaser; high pressure nozzleman-hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.285	.50	.90	.70	.06	-----
Aligners; asphalt ironers and rakers; bucket; buggy mobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; faller; headerboard man; post hole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; roto-tiller; sandblaster; Barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; vibra-seed bull float	5.435	.50	.90	.70	.06	-----
Burning and welding	5.485	.50	.90	.70	.06	-----
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.40	.90	.70	.06	-----
Blasters; drills (diamond-wagon); high sealer; powderman; tree topper	5.66	.50	.90	.70	.06	-----
Laborers on general construction work on or in bell hole footings, and shaft	5.985	.50	.90	.70	.06	-----
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	-----
Reboundman	5.305	.50	.90	.70	.06	-----
<b>Area I: Power equipment operators:</b>						
Group I: Assistants to engineers (Brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	\$6.15	.50	.75	.60	.24	-----
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); Conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator, spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.50	.75	.60	.24	-----
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction job site); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	6.56	.50	.75	.60	.24	-----
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction job site); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	6.90	.50	.75	.60	.24	-----
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	7.15	.50	.75	.60	.24	-----
Group VI: BLH Lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradersetter, grade checker (mechanical or otherwise); Highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	7.25	.50	.75	.60	.24	-----
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled Elevating grade plane; slusher operator; small tractor (with boom); Soil tester; truck type loader	7.36	.50	.75	.60	.24	-----

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>* Area 1: Power equipment operators—continued</b>						
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tired earth moving equipment (up to and including 45 cu. yd. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	\$7.66	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; Combination mixer and compressor (gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); hill hi-lift or similar (20 ft. or over); mucking machine; Tractor (with boom) (D-6 or larger and similar)	7.83	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; Combination backhoe and loader (up to and including 1 1/2 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams elevator; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koching skoper (or similar); lift slab machine (Vagthorg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (Gurries or other automatic type); track laying type earth moving machine (single engine with tandem scrapers); tractor, compressor, drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	\$7.98	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination backhoe and loader (over 1/2 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); grade all (up to and including 1 cu. yd.); Power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	8.07	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; Automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer w/ditching attachment; cranes (over 25 tons up to and including 125 tons); Continuous flight tie back Auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yds. up to and including 12 cu. yds.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, gradalls (over 1 yd. up to and including 7 cu. yds. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)	\$8.19	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yds. up to and including 18 cu. yds.); rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); power shovels and draglines (over 7 cu. yds. m.r.c.); hand wagons (in conjunction with wheel excavator) wheel excavator (over 750 yds. per hour); cranes (over 125 tons)	9.00	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yd.)	9.20	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	9.42	.59	.75	.60	.24	
<b>** Area 2: Power equipment operators:</b>						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	\$7.28	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	7.54	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	7.69	.59	.75	.60	.24	
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towmobile	8.12	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24	
Group VI: BLDH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradsetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Magnums internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burn, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	\$8.38	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operators; small tractor (with boom); soil tester; truck type loader	8.49	.59	.75	.60	.24	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
** Area 2: Power equipment operators—continued						
Group VIII: Armor-Coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yds.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat.; rubber tired earthmoving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	\$8.79	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunitite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar)	8.96	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cargy-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skoooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yds. up to and including 4 yds.); locomotive (over 100 tons) (single or multiple units); multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (gurrles or other automatic type); track laying type-earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yds.; Whirley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over 1/2 cu. yd. m.r.c.; continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); grade all up to and including 1 cu. yd.; power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes gradalls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	9.32	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multi-purpose earthmoving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	10.55	.59	.75	.60	.24	

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

\*\* AREA 2: All areas not included within Area 1 as defined below.

\* AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the southerly line of township 19S.

Thence easterly along the southerly line of township 19S, crossing the Mount Diablo meridian to the southwest corner of township 19S, range 6E, Mount Diablo base line and meridian.

Thence southerly to the southwest corner of township 20S, range 6E.

Thence easterly to the southwest corner of township 20S, range 13E.

Thence southerly to the southwest corner of township 21S, range 13E.

Thence easterly to the southwest corner of township 21S, range 17E.

Thence southerly to the southwest corner of township 22S, range 17E.

Thence easterly to the southeast corner of township 22S, range 17E.

Thence southerly to the southwest corner of township 23S, range 18E.

Thence easterly to the southeast corner of township 23S, range 18E.

Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.

Thence northerly to the northeast corner of township 21S, range 29E.

Thence westerly to the northwest corner of township 21S, range 29E.

Thence northerly to the northeast corner of township 13S, range 28E.

Thence westerly to the northwest corner of township 13S, range 28E.

Thence northerly to the northeast corner of township 11S, range 27E.

Thence westerly to the northwest corner of township 11S, range 27E.

Thence northerly to the northeast corner of township 10S, range 26E.

Thence westerly to the northwest corner of township 10S, range 26E.

Thence northerly to the northeast corner of township 9S, range 25E.

Thence westerly to the northwest corner of township 9S, range 25E.

Thence northerly to the northeast corner of township 8S, range 24E.

Thence westerly to the northwest corner of township 8S, range 24E.

Thence northerly to the northeast corner of township 6S, range 23E.

Thence westerly to the southeast corner of township 6S, range 19E.

Thence northerly to the northeast corner of township 5S, range 19E.

Thence westerly to the northwest corner of township 5S, range 19E.

Thence northerly to the northeast corner of township 3S, range 18E.

Thence westerly to the northwest corner of township 3S, range 18E.

Thence northerly to the northeast corner of township 2S, range 17E.

Thence westerly to the northwest corner of township 2S, range 17E.

Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E:

Thence westerly to the northwest corner of township 2N, range 16E.

Thence northerly to the northeast corner of township 3N, range 15E.

Thence westerly to the northwest corner of township 3N, range 15E.

Thence northerly to the northeast corner of township 4N, range 14E.

Thence westerly to the northwest corner of township 4N, range 14E.

Thence northerly to the northeast corner of township 5N, range 13E.

Thence westerly to the northwest corner of township 5N, range 13E.

Thence northerly to the northeast corner of township 6N, range 12E.

Thence easterly to the southeast corner of township 11N, range 14E.

Thence northerly to the northeast corner of township 11N, range 14E.

Thence westerly to the northeast corner of township 11N, range 10E.

Thence northerly to the northeast corner of township 15N, range 10E.

Thence easterly to the southeast corner of township 16N, range 11E.

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence northerly to the northeast corner of township 16N, range 11E.  
 Thence easterly to the southeast corner of township 17N, range 14E.  
 Thence southerly to the southwest corner of township 14N, range 15E.  
 Thence easterly to the southeast corner of township 14N, range 15E.  
 Thence southerly to the southwest corner of township 13N, range 16E.  
 Thence easterly to the southeast corner of township 13N, range 16E.  
 Thence southerly to the southwest corner of township 12N, range 17E.  
 Thence easterly along the southern line of township 12N to the eastern boundary of the State of California.  
 Thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E.  
 Thence westerly to the northwest corner of township 17N, range 11E.  
 Thence northerly to the northeast corner of township 20N, range 10E.  
 Thence westerly to the northwest corner of township 20N, range 10E.  
 Thence northerly to the northeast corner of township 21N, range 9E.  
 Thence westerly to the northwest corner of township 21N, range 9E.  
 Thence northerly to the northeast corner of township 22N, range 8E.  
 Thence westerly to the northwest corner of township 22N, range 8E.  
 Thence northerly to the southwest corner of township 27N, range 8E.  
 Thence easterly to the southeast corner of township 27N, range 8E.  
 Thence northerly to the northeast corner of township 28N, range 8E.  
 Thence westerly to the northwest corner of township 28N, range 7E.  
 Thence northerly to the northeast corner of township 30N, range 6E.  
 Thence westerly to the northwest corner of township 30N, range 1E.  
 Thence northerly along the Mount Diablo meridian to the northeast corner of township 34N, range 1W.  
 Thence westerly to the northwest corner of township 34N, range 6W.  
 Thence southerly to the northeast corner of township 32N, range 7W.  
 Thence westerly to the northwest corner of township 32N, range 7W.  
 Thence southerly to the southwest corner of township 30N, range 7W.  
 Thence easterly to the southeast corner of township 30N, range 7W.  
 Thence southerly to the southwest corner of township 16N, range 6W.  
 Thence easterly to the southeast corner of township 16N, range 6W.  
 Thence southerly to the southwest corner of township 14N, range 5W.  
 Thence westerly to the southeast corner of township 14N, range 7W.  
 Thence northerly to the northeast corner of township 14N, range 7W.  
 Thence westerly to the northwest corner of township 14N, range 7W.  
 Thence northerly to the northeast corner of township 15N, range 8W.  
 Thence westerly to the southeast corner of township 16N, range 12W.  
 Thence northerly to the northeast corner of township 16N, range 12W.  
 Thence westerly to the northwest corner of township 16N, range 12W.  
 Thence northerly to the northeast corner of township 18N, range 13W.  
 Thence westerly to the northwest corner of township 18N, range 14W.  
 Thence southerly to the southwest corner of township 18N, range 14W.  
 Thence easterly to the southeast corner of township 18N, range 14W.  
 Thence southerly to the southwest corner of township 16N, range 13W.  
 Thence westerly to the northwest corner of township 16N, range 14W.  
 Thence southerly to the southwest corner of township 14N, range 14W.  
 Thence easterly to the southeast corner of township 14N, range 14W.  
 Thence southerly to the southwest corner of township 13N, range 13W.  
 Thence easterly to the southeast corner of township 13N, range 13W.  
 Thence southerly to the southwest corner of township 11N, range 12W.  
 Thence easterly to the southeast corner of township 11N, range 12W.  
 Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian.  
 Thence in a southerly direction to the southwest corner of township 7S, range 3E.  
 Thence in an easterly direction to the southeast corner of township 7S, range 4E.  
 Thence in a northerly direction to the northeast corner of township 6S, range 4E.  
 Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.  
 Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.  
 Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W.  
 Thence southerly to the southwest corner of township 1N, range 1W.  
 Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.  
 Thence southerly to the southwest corner of township 2S, range 2E.  
 Thence easterly to the southeast corner of township 2S, range 2E.  
 Thence southerly to the southwest corner of township 4S, range 3E.  
 Thence easterly to the southeast corner of township 4S, range 3E.  
 Thence northerly to the northeast corner of township 2S, range 3E.  
 Thence westerly to the northwest corner of township 2S, range 3E.  
 Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.  
 Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.  
 Thence northerly to the northeast corner of township 9N, range 3E.  
 Thence westerly to the northwest corner of township 9N, range 2E.  
 Thence northerly to the northeast corner of township 10N, range 1E.  
 Thence westerly along the northerly line of township 10N, into the Pacific Ocean.  
 Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.  
 Thence southerly to the southwest corner of township 44N, range 7W.  
 Thence easterly to the southeast corner of township 44N, range 7W.  
 Thence southerly to the southwest corner of township 43N, range 6W.  
 Thence easterly to the southeast corner of township 43N, range 5W.  
 Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California, thence westerly along the northerly boundary of the State of California to the point of beginning.

MODIFICATIONS

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-6,242-36 F.R. 22095—November 19, 1971—Alameda, Fresno, Napa, and San Mateo Counties, Calif. Modification No. 3</i>						
<b>CHANGE:</b>						
<b>Laborers:</b>						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers tool room attendant	\$5.185	\$0.50	\$0.90	\$0.70	\$0.06	
Asphalt shovelers; cement dumper; chipper; choker setter and rigger; chucktender; concrete; guinea chaser; high pressure nozzle man-hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.285	.50	.90	.70	.06	
Aligners; asphalt ironers and rakers; bucket; buggy mobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; puller; headerboard man; posthole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; rototiller; sandblaster; Barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; vibra-screed bull float	5.435	.50	.90	.70	.06	
Burning and welding	5.485	.50	.90	.70	.06	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.50	.90	.70	.06	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.90	.70	.06	
Laborers on general construction work on or in bell hole footings, and shaft	5.985	.50	.90	.70	.06	
<b>Gunite laborers:</b>						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	
Reboundman	5.305	.50	.90	.70	.06	

NOTICES

8609

MODIFICATIONS—Continued

Classifications	Base hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>*AREA 1: Power equipment operators:</b>						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	\$6.15	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler; roddman or chainman; Ross carrier (construction jobsite); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	6.56	.59	.75	.60	.24	
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	6.99	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	7.15	.59	.75	.60	.24	
Group VI: BLH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradesetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perant, CRC, or similar types), slip forms pumps (lifting device for concrete forms); small rubber tired tractors; Surface heater	\$7.25	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator, small tractor (with boom); soil tester; Truck type loader	7.36	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); Asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tire dearth moving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	\$7.66	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunito); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar)	7.83	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; Combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elevator; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skooter (or similar); lift slab machine (Vegtberg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth-moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (gurrles or other automatic type); track laying type-earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	\$7.98	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader (over 1/2 cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); Gradall (up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	8.07	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; Canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yds. up to and including 12 cu. yds.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Gradalls (over 1 yd. up to and including 7 cu. yds. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earthmoving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)	8.19	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yds. up to and including 18 cu. yds.); rubber tired multipurpose earthmoving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); power shovels and draglines (over 7 cu. yds. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yds. per hour); cranes (over 125 tons)	9.00	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yds.)	9.20	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earthmoving equipment	9.42	.59	.75	.60	.24	

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<b>CHANGE—Continued</b>					
<b>**AREA 2: Power equipment operators:</b>					
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); parisman (heavy duty repair shop parts room)	\$7.28	.59	.75	.60	.24
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	7.54	.59	.75	.60	.24
Group III: Box operator (bunker); locomotive; motorman; oiler; roddman or chainman; Ross carrier (construction jobsite); rotoform operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	7.69	.59	.75	.60	.24
Group IV: Ballast jack tamper; ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towmobile	8.12	.59	.75	.60	.24
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24
Group VI: BLH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradsetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	\$8.38	.59	.75	.60	.24
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom); soil tester; truck type loader	8.49	.59	.75	.60	.24
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yds.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; Woods mixer (and other similar pugmill equipment)	\$8.79	.59	.75	.60	.24
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); hull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar)	8.96	.59	.75	.60	.24
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elevator; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skoper (or similar); Lift slab machine (Vagtborg and similar types); loader (2 yds. up to and including 4 yds.); locomotive (over 100 tons) (single or multiple units); multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P&H or equal); subgrader (guzzies or other automatic type); track laying type earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yds.; Whitley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over 1/2 cu. yd. m.r.c.; continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); Gradall up to and including 1 cu. yd.; power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type MMM lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earthmoving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Gradalls, (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earthmoving machine (with tandem scrapers); Universal Liebherr and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whitley cranes (over 25 tons)	9.32	.59	.75	.60	.24
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earthmoving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24
Group XI-B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	10.55	.59	.75	.60	.24

## CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

\*\* AREA 2: All areas not included within Area 1 as defined below.

\* AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2:

Commencing in the Pacific Ocean on the extension of the southerly line of township 19S.

- Thence easterly along the southerly line of township 19S, crossing the Mount Diablo meridian to the southwest corner of township 10S, range 0E, Mount Diablo base line and meridian.
- Thence southerly to the southwest corner of township 20S, range 6E.
- Thence easterly to the southwest corner of township 20S, range 13E.
- Thence southerly to the southwest corner of township 21S, range 13E.
- Thence easterly to the southwest corner of township 21S, range 17E.
- Thence southerly to the southwest corner of township 22S, range 17E.
- Thence easterly to the southeast corner of township 22S, range 17E.
- Thence southerly to the southwest corner of township 23S, range 18E.
- Thence easterly to the southeast corner of township 23S, range 18E.
- Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.
- Thence northerly to the northeast corner of township 21S, range 29E.
- Thence westerly to the northwest corner of township 21S, range 29E.
- Thence northerly to the northeast corner of township 13S, range 28E.
- Thence westerly to the northwest corner of township 13S, range 28E.
- Thence northerly to the northeast corner of township 11S, range 27E.
- Thence westerly to the northwest corner of township 11S, range 27E.
- Thence northerly to the northeast corner of township 10S, range 26E.
- Thence westerly to the northwest corner of township 10S, range 26E.
- Thence northerly to the northeast corner of township 9S, range 25E.
- Thence westerly to the northwest corner of township 9S, range 25E.
- Thence northerly to the northeast corner of township 8S, range 24E.
- Thence westerly to the northwest corner of township 8S, range 24E.
- Thence northerly to the northeast corner of township 6S, range 23E.
- Thence westerly to the southeast corner of township 5S, range 19E.
- Thence northerly to the northeast corner of township 5S, range 19E.
- Thence westerly to the northwest corner of township 5S, range 19E.
- Thence northerly to the northeast corner of township 3S, range 18E.
- Thence westerly to the northwest corner of township 3S, range 18E.
- Thence northerly to the northeast corner of township 2S, range 17E.
- Thence westerly to the northwest corner of township 2S, range 17E.
- Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E.
- Thence westerly to the northwest corner of township 2N, range 16E.
- Thence northerly to the northeast corner of township 3N, range 15E.
- Thence westerly to the northwest corner of township 3N, range 15E.
- Thence northerly to the northeast corner of township 4N, range 14E.
- Thence westerly to the northwest corner of township 4N, range 14E.
- Thence northerly to the northeast corner of township 5N, range 13E.
- Thence westerly to the northwest corner of township 5N, range 13E.
- Thence northerly to the northeast corner of township 10N, range 12E.
- Thence easterly to the southeast corner of township 11N, range 14E.
- Thence northerly to the northeast corner of township 11N, range 4E.
- Thence westerly to the northeast corner of township 11N, range 10E.
- Thence northerly to the northeast corner of township 15N, range 10E.
- Thence easterly to the southeast corner of township 16N, range 11E.
- Thence northerly to the northeast corner of township 16N, range 11E.
- Thence easterly to the southeast corner of township 17N, range 14E.
- Thence southerly to the southwest corner of township 14N, range 15E.
- Thence easterly to the southeast corner of township 14N, range 15E.
- Thence southerly to the southwest corner of township 13N, range 16E.
- Thence easterly to the southeast corner of township 13N, range 16E.
- Thence southerly to the southwest corner of township 12N, range 17E.
- Thence easterly along the southern line of township 12N to the eastern boundary of the State of California, thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E.
- Thence westerly to the northwest corner of township 17N, range 11E.
- Thence northerly to the northeast corner of township 20N, range 10E.
- Thence westerly to the northwest corner of township 20N, range 10E.
- Thence northerly to the northeast corner of township 21N, range 9E.
- Thence westerly to the northwest corner of township 21N, range 9E.
- Thence northerly to the northeast corner of township 22N, range 8E.
- Thence westerly to the northwest corner of township 22N, range 8E.
- Thence northerly to the southeast corner of township 27N, range 8E.
- Thence easterly to the southeast corner of township 27N, range 8E.
- Thence northerly to the northeast corner of township 28N, range 8E.
- Thence westerly to the northwest corner of township 28N, range 7E.
- Thence northerly to the northeast corner of township 30N, range 6E.
- Thence westerly to the northwest corner of township 30N, range 1E.
- Thence northerly along the Mount Diablo meridian to the northeast corner of township 34N, range 1W.
- Thence westerly to the northwest corner of township 34N, range 6W.
- Thence southerly to the northeast corner of township 32N, range 7W.
- Thence westerly to the northwest corner of township 32N, range 7W.
- Thence southerly to the southwest corner of township 30N, range 7W.
- Thence easterly to the southeast corner of township 30N, range 7W.
- Thence southerly to the southwest corner of township 16N, range 6W.
- Thence easterly to the southeast corner of township 16N, range 6W.
- Thence southerly to the southwest corner of township 14N, range 5W.
- Thence easterly to the southeast corner of township 14N, range 7W.
- Thence northerly to the northeast corner of township 14N, range 7W.
- Thence westerly to the northwest corner of township 14N, range 7W.
- Thence northerly to the northeast corner of township 15N, range 8W.
- Thence westerly to the southeast corner of township 16N, range 12W.
- Thence northerly to the northeast corner of township 16N, range 12W.
- Thence westerly to the northwest corner of township 16N, range 12W.
- Thence northerly to the northeast corner of township 18N, range 13W.
- Thence westerly to the northwest corner of township 18N, range 14W.
- Thence southerly to the southwest corner of township 18N, range 14W.
- Thence easterly to the southeast corner of township 18N, range 14W.
- Thence southerly to the southwest corner of township 16N, range 13W.
- Thence westerly to the northwest corner of township 15N, range 14W.
- Thence southerly to the southwest corner of township 14N, range 14W.
- Thence easterly to the southeast corner of township 14N, range 14W.
- Thence southerly to the southwest corner of township 13N, range 13W.
- Thence easterly to the southeast corner of township 13N, range 13W.
- Thence southerly to the southwest corner of township 11N, range 12W.
- Thence easterly to the southeast corner of township 11N, range 12W.
- Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian.
- Thence in a southerly direction to the southwest corner of township 7S, range 3E.
- Thence in a easterly direction to the southeast corner of township 7S, range 4E.
- Thence in a northerly direction to the northeast corner of township 6S, range 4E.
- Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.
- Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.
- Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W.
- Thence southerly to the southwest corner of township 1N, range 1W.
- Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.
- Thence southerly to the southwest corner of township 2S, range 2E.

## CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence easterly to the southeast corner of township 2S, range 2E.  
 Thence southerly to the southwest corner of township 4S, range 3E.  
 Thence easterly to the southeast corner of township 4S, range 3E.  
 Thence northerly to the northeast corner of township 2S, range 3E.  
 Thence westerly to the northwest corner of township 2S, range 3E.  
 Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.  
 Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.  
 Thence northerly to the northeast corner of township 9N, range 3E.  
 Thence westerly to the northwest corner of township 9N, range 2E.  
 Thence northerly to the northeast corner of township 10N, range 1E.  
 Thence westerly along the northerly line of township 10N, into the Pacific Ocean.  
 Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.  
 Thence southerly to the southwest corner of township 44N, range 7W.  
 Thence easterly to the southeast corner of township 44N, range 7W.  
 Thence southerly to the southwest corner of township 43N, range 6W.  
 Thence easterly to the southeast corner of township 43N, range 5W.  
 Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California.  
 Thence westerly along the northerly boundary of the State of California to the point of beginning.

## MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,691—36 F.R. 1,652, Aug. 6, 1971; Litchfield County, Conn. Modification No. 4</i>						
<b>CHANGE:</b>						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway):						
West of Housatonic River	\$7.65	\$0.40	\$0.25	h		
East of Housatonic River	7.60	.40	.25	h		
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		\$0.04	
Lathers:						
Barkhamsted, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01	
Kent, Salisbury, Sharon	7.70	9%	.55		.01	
Painters: New Milford:						
Brush	6.20	\$0.25				
Structural steel	7.20	.25				
Plumbers:						
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston, and Watertown	7.97	.48	.30		.05	
Remainder of county	7.35	.40	.30			
<i>WD No. AM-1,692—36 F.R. 1,656, Aug. 6, 1971; Middlesex County, Conn. Modification No. 3</i>						
<b>CHANGE:</b>						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway only)						
	7.60	.40	.25	f		
Carpenters, soft-floor layers (building only):						
Marlborough	8.12	.30	.20			
Remainder of county	7.62	.30	.20			
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		.04	
Lathers:						
Cromwell-East Haddam-East Hampton-Middlefield-Middletown-Portland	9.15	.25	.30		.01	
Remainder of county	8.52	.25	.20		.01	
Leadburners						
	7.40	.30		d	.01	
Plumbers and steamfitters:						
Clinton-Westbrook-Killingworth	6.35	.20	.20			
Essex-Old Saybrook-Ivoryton-Saybrook	8.75	.20	.20			
Sheet metal workers	8.45	.50	.36		.02	
<b>Footnote:</b>						
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-8691—37 F.R. 7,452, Apr. 14, 1972; Fairfield County, Conn. Modification No. 1</i>						
<b>CHANGE:</b>						
Building, heavy, and highway construction:						
Carpenters, soft-floor layers (building only): Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull						
	8.15	.25	.35	f		
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75		.15		.01	
Greenwich-Stamford-New Canaan	7.91	.25	.20	\$0.75	.01	
Remainder of county	8.10	.25	.25		.01	
Lead burners						
	7.40	.30		o		
Painters:						
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Darren-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			
Remainder of county:						
Brush	7.00	.25	.25	e		
Structural steel	8.00	.25	.25	e		
<b>Footnote:</b>						
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 regularly scheduled workdays immediately preceding and following the holiday.						

NOTICES

8613

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-9692—87 F.R. 7455, Apr. 14, 1972; Hartford County, Conn. Modification No. 1</i>						
<b>CHANGE:</b>						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only): Remainder of county	8.70	.40	.25			
Carpenters, soft-floor layers, piledrivermen (building only): Southington	8.75	.35	.20		.02	
Electricians: Hartland	7.80	.25	1% + .20		1/2 of 1%	
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	\$0.44		\$0.04	
Lathers:						
Bristol-Southington	8.75		.15		.01	
Remainder of county	9.15		.30		.01	
Lead burners	7.40	.30			.01	
Sheet metal workers	8.45	.50	.36		.02	
Footnote: e. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled workdays preceding and following the holiday.						
<i>WD No. AM-534—86 F.R. 15175, Aug. 13, 1971; Madison County, Ill., Modification No. 7</i>						
<b>CHANGE:</b>						
Painters:						
Commercial and residential:						
Brush	7.65	.25	.15			
Rollers, cut-in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs	7.90	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	8.65	.25	.15			
Spraying, air-less, with 24-in. fan or over	8.65	.25	.15			
Industrial:						
Brush	7.90	.25	.15			
Roller and cut-in men	8.40	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	8.90	.25	.15			
Spraying, air-less, with fan 24-in. or over	9.30	.25	.15			
Hazardous work (bridges, TV and radio towers, high line towers, water towers, smokestacks and grain elevators):						
Brush	8.15	.25	.15			
Roller or cut-in men	8.65	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	9.15	.25	.15			
Spraying, air-less, with fan 24-in. or over	9.95	.25	.15			
<i>WD No. AM-563—86 F.R. 15353, Aug. 13, 1971; Vanderburgh County, Ind. Modification No. 5</i>						
<b>CHANGE:</b>						
Electricians:						
Total contract over \$4,500	\$7.26	.20	1%		.125%	
Total contract over \$4,500	5.52	.20	1%		.125%	
<i>WD No. AM-8,582—87 F.R. 3146, Feb. 11, 1972; Bartholomew County, Ind. Modification No. 3</i>						
<b>CHANGE:</b>						
Carpenters (balance of county):						
Carpenters and soft-floor layers	6.95	.25	.25		.02	
Millwrights and piledrivermen	7.20	.25	.25		.02	
<i>WD No. AM-3,686—86 F.R. 16736, Aug. 25, 1971; East Baton Rouge Parish, La. Modification No. 6</i>						
<b>CHANGE:</b>						
Bricklayers						
Stonemasons	6.66	.20	.15		.01	
<i>WD No. AM-11,410—87 F.R. 6614, Mar. 31, 1972; St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La. Modification No. 3</i>						
<b>CHANGE:</b>						
Sheet metal workers						
	7.105	.20	.30	\$0.25	.04	
<i>WD No. AM-9,684—87 F.R. 5170, Mar. 10, 1972; Barnstable County, Mass., Modification No. 1</i>						
<b>CHANGE: Mass.-1-TD-2-3-C:</b>						
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months. b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veterans Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						

NOTICES

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-9,685-37 F.R. 5172, Mar. 10, 1972; Essex County, Mass., Modification No. 2</i>						
<b>CHANGE: Mass.-1-TD-2-3-C:</b>						
Truckdrivers: Heavy and highway construction:	5.41	.35	.50	a+b		
Station wagons, panel trucks and pickup trucks.....						
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators.....	5.51	.35	.50	a+b		
3-axle equipment and firemen.....	5.56	.35	.50	a+b		
4- and 5-axle equipment.....						
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics.....	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons.....	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup).....	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
<i>WD No. AM-9,686-37 F.R. 5174, Mar. 10, 1972; Hampden County, Mass. Modification No. 1</i>						
<b>CHANGE: Mass.-1-TD-2-3-C:</b>						
Building, heavy and highway construction: Ironworkers, structural, ornamental and reinforcing.....	7.41	.20	.35+.50		.07	
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pick-up trucks.....	5.41	.35	\$0.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators.....	5.51	.35	.50	a+b		
3-axle equipment and firemen.....	5.56	.35	.50	a+b		
4- and 5-axle equipment.....						
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics.....	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons.....	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup).....	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
<i>WD No. AM-9,687-37 F.R. 5181, Mar. 10, 1972; Middlesex County, Mass. Modification No. 2</i>						
<b>CHANGE: Mass.-1-TD-2-3-C:</b>						
Building, heavy and highway construction: Cambridge, Medford, Malden, Everett, Woburn, c. Arlington and Melrose: Lead burners.....	7.40	.30		c	.01	
Footnote:						
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.						
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks.....	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators.....	5.51	.35	.50	a+b		
3-axle equipment and firemen.....	5.56	.35	.50	a+b		
4- and 5-axle equipment.....						
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics.....	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons.....	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup).....	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
<i>WD No. AM-9,688-37 F.R. 5177, Mar. 10, 1972; Suffolk County, Mass. Modification No. 2</i>						
<b>CHANGE: Mass.-1-TD-2-3-C:</b>						
Building, heavy and highway construction: Leadburners.....	7.40	.30		c	.01	
Footnote:						
c. Holidays: A through F, Washington's Birthdays during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
Truck drivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks.....	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators.....	5.51	.35	.50	a+b		
3-axle equipment and firemen.....	5.56	.35	.50	a+b		
4- and 5-axle equipment.....						
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics.....	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons.....	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup).....	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						

NOTICES

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-9689-37 F.R. 5179, March 10, 1972, Worcester County, Mass., Modification No. 2</i>						
<b>CHANGE:</b>						
Building, heavy and highway construction:						
Leadburners.....	7.40	.30		d	.01	
Roofers.....	8.50					
Footnotes:						
d. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>Mass-1-TD-2-3-C:</i>						
Truckdrivers:						
Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks.....	5.41	.35	.50	a+b		
2-axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators.....	5.51	.35	.50	a+b		
3-axle equipment and tiremen.....	5.56	.35	.50	a+b		
4- and 5-axle equipment.....	5.60	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, mechanics.....	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons.....	6.01	.35	.50	a+b		
Trailers for earthmoving equipment (double hookup).....	6.26	.35	.50	a+b		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans Day after 30 days employment provided an employee works 2 days of the calendar week in which the holiday falls.						
<i>WD No. AM-2,514-36 F.R. 17085, August 27, 1971, Cascade County, Mont., Modification No. 2</i>						
<b>CHANGE:</b>						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds.....	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.....	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.....	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.....	5.73	.38	.25			
Over 10 cu. yds.—additional \$0.08 per hour each additional 2 cu. yd. increment.....						
Distributor driver and helper.....	5.32	.38	.25			
Dry batch trucks:						
3 batch or under.....	5.24	.38	.25			
Over 3 batch to and including 5 batch.....	5.37	.38	.25			
Over 5 batch to and including 10 batch.....	5.53	.38	.25			
Over 10 batch to and including 15 batch.....	5.69	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.....						
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expeditor.....	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less.....	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd.....	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.....	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.....	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.....	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.....	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.....	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.....	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.....	5.97	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.....						
Dumpsters:						
DW 20, DW 21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:	5.37	.38	.25			
To and including 25 cu. yd.....	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.....	5.79	.38	.25			
Servicemen:						
Over 30 cu. yd. additional \$0.06 per hour each additional 5 cu. yd. increment.....	5.98	.38	.25			
Flat trucks:						
To and including 3 tons.....	5.24	.38	.25			
Over 3 tons factory rating.....	5.59	.38	.25			
Fuel truck; service; tiremen.....	5.71	.38	.25			
Lowboys, four-wheel trailer, float semi-trailer.....	5.59	.38	.25			
Lumber carriers, lift trucks; Power Broom.....	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gals and under.....	5.24	.38	.25			
Over 2,500 gals to and including 4,500 gals.....	5.53	.38	.25			
Over 4,500 gals to and including 6,000 gals.....	5.73	.38	.25			
Over 6,000 gals to and including 8,000 gals.....	5.79	.38	.25			
Over 8,000 gals to and including 10,000 gals.....	5.87	.38	.25			
Over 10,000 gals—additional \$0.08 per hour each additional 2,000 gals increment.....						
Winch, A-frame, Swedish crane, hydraulic, groutcrete, and combination mulching, seeding and fertilizing.....	5.49	.38	.25			
Truck mechanic.....	5.91	.38	.25			
All tunnel and underground work 10% additional.....						
<i>WD No. AM-2,516-36 F.R. 17091—August 27, 1971 Flathead County, Mont Modification No. 3</i>						
<b>CHANGE:</b>						
Ironworkers:						
Reinforcing:						
Ornamental; structural.....	7.38	.43	.40		.03	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.....	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.....	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.....	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.....	5.73	.38	.25			
Over 10 cu. yds.—additional \$0.08 per hour each additional 2 cu. yd. increment.....						
Distributor driver and helper.....	5.32	.38	.25			
Dry batch trucks:						
3 batch or under.....	5.24	.38	.25			
Over 3 batch to and including 5 batch.....	5.37	.38	.25			
Over 5 batch to and including 10 batch.....	5.53	.38	.25			
Over 10 batch to and including 15 batch.....	5.69	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.....						

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>Truckdrivers—Continued</b>						
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expeditor	5.24	.38		.25		
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less	5.24	.38		.25		
Over 7 cu. yd. to and including 10 cu. yd.	5.37	.38		.25		
Over 10 cu. yd. to and including 15 cu. yd.	5.53	.38		.25		
Over 15 cu. yd. to and including 20 cu. yd.	5.67	.38		.25		
Over 20 cu. yd. to and including 25 cu. yd.	5.73	.38		.25		
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38		.25		
Over 30 cu. yd. to and including 35 cu. yd.	5.85	.38		.25		
Over 35 cu. yd. to and including 40 cu. yd.	5.91	.38		.25		
Over 40 cu. yd. to and including 45 cu. yd.	5.97	.38		.25		
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.	5.37	.38		.25		
Dumpsters						
DW 20, DW 21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:	5.73	.38		.25		
To and including 25 cu. yd.	5.79	.38		.25		
Over 25 cu. yd. to and including 30 cu. yd.						
Over 30 cu. yds. additional \$0.06 per hour each additional 5 cu. yds. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38		.25		
Over 3 tons factory rating	5.59	.38		.25		
Fuel truck; service; tiremen	5.71	.38		.25		
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38		.25		
Lumber carriers, lift trucks; Power Broom	5.33	.38		.25		
Water tank drivers, petroleum products drivers:						
2,500 gals and under	5.24	.38		.25		
Over 2,500 gals to and including 4,500 gals	5.53	.38		.25		
Over 4,500 gals to and including 6,000 gals	5.73	.38		.25		
Over 6,000 gals to and including 8,000 gals	5.79	.38		.25		
Over 8,000 gals to and including 10,000 gals	5.87	.38		.25		
Over 10,000 gals—additional \$0.08 per hour each additional 2,000 gals increment.						
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seeding and fertilizing	5.49	.38		.25		
Truck mechanic	5.91	.38		.25		
All tunnel and underground work 10% additional.						
WD No. AM-2,518—\$6 P.R. 17697, August 27, Lewis & Clark County, Mont., Modification No. 2						
<b>CHANGE:</b>						
<b>Truckdrivers:</b>						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.	5.49	.38		.25		
Over 4 cu. yd. to and including 6 cu. yd.	5.57	.38		.25		
Over 6 cu. yd. to and including 8 cu. yd.	5.65	.38		.25		
Over 8 cu. yd. to and including 10 cu. yd.	5.73	.38		.25		
Over 10 cu. yd.—additional \$0.08 per hour each additional 2 cu. yd. increment.	5.32	.38		.25		
Distributor driver and helper						
Dry batch trucks:						
3 batch or under	5.24	.38		.25		
Over 3 batch to and including 5 batch	5.37	.38		.25		
Over 5 batch to and including 10 batch	5.53	.38		.25		
Over 10 batch to and including 15 batch	5.69	.38		.25		
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box, Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expeditor	5.24	.38		.25		
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38		.25		
Over 7 cu. yd. to and including 10 cu. yd.	5.37	.38		.25		
Over 10 cu. yd. to and including 15 cu. yd.	5.53	.38		.25		
Over 15 cu. yd. to and including 20 cu. yd.	5.67	.38		.25		
Over 20 cu. yd. to and including 25 cu. yd.	5.73	.38		.25		
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38		.25		
Over 30 cu. yd. to and including 35 cu. yd.	5.85	.38		.25		
Over 35 cu. yd. to and including 40 cu. yd.	5.91	.38		.25		
Over 40 cu. yd. to and including 45 cu. yd.	5.97	.38		.25		
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.	5.37	.38		.25		
Dumpsters						
DW 20, DW 21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:	5.73	.38		.25		
To and including 25 cu. yd.	5.79	.38		.25		
Over 25 cu. yd. to and including 30 cu. yd.	5.96	.38		.25		
Servicemen						
Over 30 cu. yd. additional \$0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38		.25		
Over 3 tons factory rating	5.59	.38		.25		
Fuel truck; service; tiremen	5.71	.38		.25		
Lowboys, four-wheel trailer, float broom	5.59	.38		.25		
Lumber carriers, lift trucks; power broom	5.33	.38		.25		
Water tank drivers, petroleum products drivers:						
2,500 gals and under	5.24	.38		.25		
Over 2,500 gal to and including 4,500 gal	5.53	.38		.25		
Over 4,500 gal to and including 6,000 gal	5.73	.38		.25		
Over 6,000 gal to and including 8,000 gal	5.79	.38		.25		
Over 8,000 gal to and including 10,000 gal	5.87	.38		.25		
Over 10,000 gals—additional \$0.08 per hour each additional 2,000 gal increment.						
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seeding and fertilizing	5.49	.38		.25		
Truck mechanic	5.91	.38		.25		
All tunnel and underground work 10% additional.						

NOTICES

8617

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-2,519—36 F.R. 17101—August 27, 1971 Missoula County, Mont., Modification No. 4</i>						
<b>CHANGE:</b>						
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Ornamental; Structural	7.38	.43	.40		.03	
Plumbers; Steamfitters	6.05	.30	.15	\$0.30	.02	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds.	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.	5.73	.38	.25			
Over 10 cu. yd.—additional \$0.08 per hour each additional 2 cu. yds. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under						
Over 3 batch to and including 5 batch	5.24	.38	.25			
Over 5 batch to and including 10 batch	5.37	.38	.25			
Over 10 batch to and including 15 batch	5.53	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.	5.69	.38	.25			
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter						
Dump trucks and similar equipment water level capacity, including sideboards:	5.24	.38	.25			
7 cu. yd. or less						
Over 7 cu. yd. to and including 10 cu. yd.	5.24	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.	5.37	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.	5.53	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.	5.67	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.73	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.79	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.	5.85	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.	5.91	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.	5.97	.38	.25			
Dumpsters						
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd.	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38	.25			
Servicemen						
Over 30 cu. yds. additional \$0.06 per hour each additional 5 cu. yds. increment.	5.98	.38	.25			
Flat trucks:						
To and including 3 tons						
Over 3 tons factory rating	5.24	.38	.25			
Fuel truck; service; tiremen						
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.71	.38	.25			
Water tank drivers, petroleum products drivers:	5.59	.38	.25			
2,500 gal. and under						
Over 2,500 gal. to and including 4,500 gal.	5.33	.38	.25			
Over 4,500 gal. to and including 6,000 gal.	5.24	.38	.25			
Over 6,000 gal. to and including 8,000 gal.	5.53	.38	.25			
Over 8,000 gal. to and including 10,000 gal.	5.73	.38	.25			
Over 10,000 gal.—additional \$0.08 per hour each additional 2,000 gal. increment.	5.79	.38	.25			
Winch, A-frame, Swedish crane, hydraulic, groutcrete, and combination mulching, seeding and fertilizing	5.87	.38	.25			
Truck mechanic	5.49	.38	.25			
All tunnel and underground work 10% additional.	5.91	.38	.25			
<i>WD No. AM-2,520—36 F.R. 17103, Aug. 27, 1971, Silver Bow County, Mont. Modification No. 2</i>						
<b>CHANGE:</b>						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.	5.73	.38	.25			
Over 10 cu. yd.—additional \$0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under						
Over 3 batch to and including 5 batch	5.24	.38	.25			
Over 5 batch to and including 10 batch	5.37	.38	.25			
Over 10 batch to and including 15 batch	5.53	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.	5.69	.38	.25			
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter						
Dump trucks and similar equipment water level capacity, including sideboards:	5.24	.38	.25			
7 cu. yd. or less						
Over 7 cu. yd. to and including 10 cu. yd.	5.24	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.	5.37	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.	5.53	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.	5.67	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.73	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.79	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.	5.85	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.	5.91	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.	5.97	.38	.25			
Dumpsters						
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd.	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38	.25			
Servicemen						
Over 30 cu. yd. additional \$0.06 per hour each additional 5 cu. yd. increment.	5.98	.38	.25			
Flat trucks:						
To and including 3 tons						
Over 3 tons factory rating	5.24	.38	.25			
Fuel truck; service; tiremen						
Lowboys, 4-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.71	.38	.25			
	5.59	.38	.25			
	5.33	.38	.25			

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
Truckdrivers—Continued						
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal.	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal.	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal.	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal.	5.87	.38	.25			
Over 10,000 gal.—additional \$0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydraulic, groutcrete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						
WD No. AM-2,521—36 F.R. 17107, Aug. 27, 1971; Yellowstone County, Mont. Modification No. 2						
<b>CHANGE:</b>						
Plumbers, steamfitters	6.80	.40	.40		1 1/2%	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.	5.73	.38	.25			
Over 10 cu. yd.—additional \$0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expeditor.	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd.	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.	5.97	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters:						
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd.	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.98	.38	.25			
Over 35 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; tiremen	5.71	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer.	5.59	.38	.25			
Lumber carriers, lift trucks; power broom.	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.34	.25			
Over 2,500 gal. to and including 4,500 gal.	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal.	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal.	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal.	5.87	.38	.25			
Over 10,000 gal.—additional \$0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydraulic, groutcrete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						
WD No. AM-2,522—36 F.R. 17109, Aug. 27, 1971; eastern counties, Mont. Modification No. 4. Blaine, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux						
<b>CHANGE:</b>						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd.	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.	5.73	.38	.25			
Over 10 cu. yd.—additional \$0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5 batch increment.						
Dumpman, Gravel spreader box; Pickup driver, hauling materials; pilot car driver; teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expeditor.	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd.	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.	5.97	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5 cu. yd. increment.						

NOTICES

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>Truckdrivers—Continued</b>						
Dumpsters						
DW 20, DW 21, or Euclid tractors, pulling P. R. 21 or similar dump wagons.	5.37	.38	.25			
To and including 25 cu. yd.						
Over 25 cu. yd. to and including 30 cu. yd.	5.73	.38	.25			
Servicemen	5.79	.38	.25			
Over 30 cu. yd. additional \$0.06 per hour each additional 5 cu. yd. increment.	5.98	.38	.25			
Flat trucks:						
To and including 3 tons						
Over 3 tons factory rating	5.24	.38	.25			
Fuel truck; service; tiremen	5.59	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.71	.38	.25			
Lumber carriers, lift trucks; power broom	5.59	.38	.25			
Water tank drivers, petroleum products drivers:	5.33	.38	.25			
2,500 gal. and under						
Over 2,500 gal. to and including 4,500 gal.	5.24	.38	.25			
Over 4,500 gal. to and including 6,000 gal.	5.53	.38	.25			
Over 6,000 gal. to and including 8,000 gal.	5.73	.38	.25			
Over 8,000 gal. to and including 10,000 gal.	5.79	.38	.25			
Over 10,000 gal.—additional \$0.08 per hour each additional 2,000 gal. increment.	5.87	.38	.25			
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seeding and fertilizing						
Truck mechanic	5.49	.38	.25			
All tunnel and underground work 10% additional.	5.91	.38	.25			
<i>WD No. AM-2,523-36 F.R. 17116, Aug. 27, 1971; western counties, Montana. Modification No. 4; Beaverhead, Big Horn, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Pondera, Powell, Ravalli, Rosebud, Sanders, Silver Bow, Stillwater, Sweetgrass, Teton, Toole, Treasure, Wheatland, and Yellowstone</i>						
<b>CHANGE:</b>						
<b>Ironworkers (Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Sanders):</b>						
Fence erectors, structural	7.38	.43	.40		\$0.03	
Reinforcing	7.38	.43	.40		.03	
<b>Truckdrivers:</b>						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd.						
Over 4 cu. yd. to and including 6 cu. yd.	5.49	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd.	5.57	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd.	5.65	.38	.25			
Over 10 cu. yd.—additional \$0.08 per hour each additional 2-cu. yd. increment.	5.73	.38	.25			
Distributor driver and helper						
Dry batch trucks:	5.32	.38	.25			
3 batch or under						
Over 3 batch to and including 5 batch	5.24	.38	.25			
Over 5 batch to and including 10 batch	5.37	.38	.25			
Over 10 batch to and including 15 batch	5.53	.38	.25			
Over 15 batch—additional \$0.15 per hour each additional 5-batch increment.	5.69	.38	.25			
Dumpman, gravel spreader box; Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expeditor						
Dump trucks and similar equipment water level capacity, including sideboards:	5.24	.38	.25			
7 cu. yd. or less						
Over 7 cu. yd. to and including 10 cu. yd.	5.24	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd.	5.37	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd.	5.53	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd.	5.67	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd.	5.73	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd.	5.79	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd.	5.85	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd.	5.91	.38	.25			
Over 45 cu. yd.—additional \$0.06 per hour each additional 5-cu. yd. increment.	5.97	.38	.25			
Dumpsters						
DW-20, DW-21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:	5.37	.38	.25			
To and including 25 cu. yd.						
Over 25 cu. yd. to and including 30 cu. yd.	5.73	.38	.25			
Servicemen	5.79	.38	.25			
Over 30 cu. yd.—additional \$0.06 per hour each additional 5-cu. yd. increment.	5.98	.38	.25			
Flat trucks:						
To and including 3 tons						
Over 3 tons factory rating	5.24	.38	.25			
Fuel truck; service; tiremen	5.59	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.71	.38	.25			
Lumber carriers, lift trucks; power broom	5.59	.38	.25			
Water tank drivers, petroleum products drivers:	5.33	.38	.25			
2,500 gal. and under						
Over 2,500 gal. to and including 4,500 gal.	5.24	.38	.25			
Over 4,500 gal. to and including 6,000 gal.	5.53	.38	.25			
Over 6,000 gal. to and including 8,000 gal.	5.73	.38	.25			
Over 8,000 gal. to and including 10,000 gal.	5.79	.38	.25			
Over 10,000 gal.—additional \$0.08 per hour each additional 2,000-gal. increment.	5.87	.38	.25			
Winch, A-frame, Swedish crane, Hydraulic, Grout-crete, and combination mulching, seeding and fertilizing						
Truck mechanic	5.49	.38	.25			
All tunnel and underground work 10 percent additional.	5.91	.38	.25			
<i>WD No. AM-2,515-39 F.R. 17129, Aug. 27, 1971; Ward County, N. Dak. Modification No. 3</i>						
<b>CHANGE:</b>						
Sheet metal workers						
	\$7.00					
<i>WD No. AM-122-36 F.R. 15965, Aug. 18, 1971; Green, Miami, Montgomery, and Preble Counties, Ohio. Modification No. 1</i>						
<b>CHANGE:</b>						
Electricians						
	5.00		1%		1/4%	

## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App Tr.	Other
<i>WD No. AM-1,849—36 F.R. 16267, Aug. 20, 1971; Berks County, Pa. Modification No. 2.</i>						
CHANGE:						
Pa.-22-LAB-TD-2-3-K:						
Heavy and highway:						
Carpenters/piledrivers	6.56	.20	\$0.25			
Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	.20	.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, wacker, vibrators, chain saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson, open air, below 8 feet; cofferdam, open air, below 8 feet; wharf excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point; form setters (road); wagon drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.66	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rock shafts:						
Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, plasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready-mix and dumperette type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment; back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, lowbed trailers	2.09					
Pa.-22-PEO-3-G:						
Highway construction: Power equipment operators:						
Wage group 1: Pile drivers or engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; pavers 21E and over; Gradalls; all front-end loaders, 4 cu. yd. and over; tandem scrapers; Pippin type backhoes; boat captains; batch plant with mixer; drill, self-contained (Drillmaster type); CMI Autograde; machines similar to above	7.68	4.6%	6.5%		.7%	
Wage group 2: Conveyor loader (Euclid type); scrapers and Tournapulls; spreaders; high- or low-pressure boilers; concrete pumps; bulldozers and tractors; asphalt plant engineers; rollers (high grade finishing); all loaders under 4 cu. yd.; mechanic-welders; motor patrols; machines similar to above	6.92	4.6%	6.5%		.7%	
Wage group 3: Welding machines; well points; compressors; pumps; heaters; farm tractors; form line graders; fine grade machines; ditch witch type trencher; road finishing machines; concrete breaking machines; rollers; seaman pulverizing mixer; power broom; seeding spreader; tireman (for power equipment); conveyor loaders other than Euclid type; conveyors; machines similar to above	6.47	4.6%	6.5%		.7%	
Wage group 4: Fireman	6.07	4.6%	6.5%		.7%	
Wage group 5: Oilers and deck hands	6.57	4.6%	6.5%		.7%	
Wage group 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	
<i>WD No. AM-1850—36 F.R. 16260, Aug. 20, 1971; Dauphin County, Pa., Modification No. 4</i>						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperette type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
<i>WD No. AM-1851—36 F.R. 16262, Aug. 20, 1971; Cumberland County, Pa. Modification No. 4</i>						
CHANGE:						
Heavy and highway: truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperette type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
<i>WD No. AM-1855—36 F.R. 16281, Aug. 20, 1971; Lackawanna County, Pa. Modification No. 4</i>						
CHANGE:						
Building, heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperette type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
<i>WD No. AM-1857—36 F.R. 16291, Aug. 20, 1971; Lehigh County, Pa. Modification No. 3</i>						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperette type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					

NOTICES

8621

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1858-86 F.R. 16294, Aug. 20, 1971; Luzerne County, Pa. Modification No. 3</i>						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper stake, body truck (single axle), dumpster.....	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumper type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem).....	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers.....	6.09					
<i>WD No. AM-1,861-86 F.R. 16310, Aug. 20, 1971; Northampton County, Pa. Modification No. 3</i>						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper stake body truck (single axle), dumpster.....	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumper type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem).....	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers.....	6.09					
<i>WD No. AM-1866-86 F.R. 16355, Aug. 20, 1971; 29 eastern counties, Pennsylvania. Modification No. 4</i>						
CHANGE:						
Class I: Helper, stake body truck (single axle), dumpster.....	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumper type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem).....	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers.....	6.09					
<i>WD No. AM-1605-86 F.R. 14600, Aug. 6, 1971; Bristol, Kent, and Providence Counties, R.I. Modification No. 3</i>						
CHANGE:						
Building construction:						
Bricklayers, cement masons, plasterers, stonemasons, marble, tile, and terrazzo workers: Woonsocket, North Smithfield, Burrillville, and Cumberland Hill.....	8.12	.25	\$0.30		\$0.01	
Lead burners.....	7.40	.30		c	.01	
<i>WD No. AM-1604-86 F.R. 14606, Aug. 6, 1971; Newport County, R.I. Modification No. 3</i>						
CHANGE:						
Building construction:						
Carpenters: Little Compton, Tiverton:						
Carpenters and soft-floor layers.....	7.40	.30	.30			
Millwrights.....	7.75	.30	.30			
Lead burners.....	7.40	.30		c	.01	
<i>WD No. AM-1605-86 F.R. 14610, Aug. 6, 1971; Washington County, R.I. Modification No. 4</i>						
CHANGE:						
Building construction:						
Cement masons: Exeter, Narragansett, North Kingstown, Gould.....	8.15	.15				
Lead burners.....	7.40	.30		c	.01	
Marble, tile, and terrazzo workers: Exeter, North Kingstown, Narragansett (including the Pier of Point Judith).....	7.50	.25	.35			
<i>WD No. AM-11,408-87 F.R. 6617, Mar. 31, 1972; Harris County, Tex. Modification No. 2</i>						
CHANGE:						
Building construction:						
Carpenters: Piledrivermen.....	6.35	.40	.22			
Plumbers.....	6.95	.22	.42	\$0.60	.05	
<i>WD No. AM-11,409-87 F.R. 6619, Mar. 31, 1972; Lubbock County, Tex. Modification No. 2</i>						
CHANGE:						
Building construction: Asbestos workers.....	6.85	.30	.25		.02	

SUPERSEDES DECISIONS

State: Arkansas; county: Pulaski.  
 Decision No.: AM-11,416; date: Apr. 28, 1972. Supersedes Decision No. AM-3,573, dated Aug. 25, 1971, in 36 F.R. 16733.  
 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
10-Arkansas-1-2-J:						
Asbestos workers.....	\$6.25	\$0.15				
Boilermakers.....	6.50	.30	\$0.40		\$0.01	
Bricklayers: Stonemasons; cleaners; pointers; caulkers.....	6.55	.15			.02	
Carpenters:						
Carpenters, floor men.....	5.70	.25	.15		.01	
Millwrights, piledrivers.....	5.95	.25	.15		.01	
Cementmasons.....	5.75	.15				
Electricians:						
Electricians.....	7.25		1%		1 1/2%	
Cable splicers.....	7.375		1%		1 1/4%	
Elevator constructors.....	5.19	.17	\$0.185	2%+a+b		
Elevator constructors' helpers.....	70% J R	.17	.185	2%+a+b		
Elevator constructors' helpers (probationary).....	50% J R					
Glaziers.....	\$5.41				.01	
Ironworkers: Structural; ornamental; reinforcing.....	6.58	.25	.25		.02	
Laborers:						
Construction laborer, carpenter helper, concrete laborer.....	3.90	.10	.20			
Mechanical tool operator, motorized georgia buggy tenders (plasterers, brickmason, cement and stone), mortar mixer, sanitary tile layer, asphalt raker.....	4.15	.10	.20			
Powderman.....	4.80	.10	.20			
Lathers.....	6.05		.10	\$0.25	.01	
Marble masons.....	5.25					
Marble mason helpers.....	2.20					

## SUPERSEDES DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>10-Arkansas-1-2-J—Continued</b>						
Painters:						
Brush	4.85		.20			
Structural steel	5.10		.20			
Spray	5.45		.20			
Plasterers	6.09				.02	
Plumbers: pipefitters	7.30				.02	
(Outside 10-mile radius of Pulaski County Court House)	7.60				.02	
Roofers:						
Roofers	5.45					
Roofers' helpers	2.00					
Sheet metal workers	6.40	.20	.20		c	
Sprinkler fitters	7.05	.25	.40		\$0.05	
Terrazzo workers	5.25					
Terrazzo workers' helpers	2.20					
Tile layers	5.25					
Tile layers' helpers	2.20					
Truckdrivers:						
Pickups, light	1.60					
Stake body or flatbed	1.60					
Semitrailer, dump, batch	1.70					
Winch and A-frame	2.00					
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						
<b>Footnotes:</b>						
a. 1st 6 months, none; 6 months to 5 years, 2 percent, over 5 years, 4 percent of basic hourly rate.						
b. Paid Holidays: A through F.						
c. Apprenticeship fund shall be \$0.50 per month per journeyman and apprentice employed.						
Paid Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
<b>Power equipment operators:</b>						
Group I: Cranes, draglines, and shovels equipped with 100 ft. of boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments 5 cu. yd. or over, as rated by manufacturer; and operators of all tower, climbing cranes, and derricks required to work 25 ft. or over from the ground						
	6.65	.25	.25			
Group II: Cranes, draglines, and shovels equipped with less than 100 ft. of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yd. as rated by the manufacturer; all backhoes capable of a 360° swing; all derricks, floating, tractor or truck types; all piledrivers, land or floating; all overhead and traveling cranes, all cableways; cherry pickers or tractors with boom attachments; Whirley; paving mixers with boom; Gradalls; scrapers or pull-in tandem; all above equipment irrespective of motive power; leaverman (engineer) hydraulic and bucket dredges, irrespective of size; mechanics and/or welders; blacksmiths						
	5.95	.25	.25			
Group III: Heavy equipment operators: Hydra truck crane, multiple drum hoist, irrespective of motive power; all bulldozers, front-end loaders, side booms, push tractors mounted on rubber or tracks; all single-unit pull scrapers regardless of size and regardless of trade name; all motor graders; all hydraulic backhoes not capable of 360° swing; all trenching machines, wheels, bucket chain, or conveyor types regardless of size or motive power; all backfillers; all central mixing plants 10S and larger and concrete spreaders; all boiler firemen high or low pressure; all asphalt spreaders; rollers and finishing machines; all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power; first assistant engineer (dredge); boat and dredge tender operator						
	5.65	.25	.25			
Group IV: Semheavy equipment operators: Single-drum hoists, winches and air tuggers, irrespective of motive power; winch or A-frame trucks, forklifts, skytracks, dirt rollers of types and pull tractors, regardless of size; elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator; conveyor; batch plant concrete mixers under 10S, pumperete, spray machine and pressure grout machine; air compressors 365 c.f.m. and over; all dewatering pumps when used in connection with well point systems; second assistant engineer (dredge)						
	4.90	.25	.25			
Group V: Light equipment operators: All air compressors under 365 c.f.m.; welding machines; light plants; pumps, irrespective of size, irrespective of motive power, oiler driver motor crane; asphalt distributor; chip spreader; form grader; end dump Euclid and like equipment; third assistant engineer (dredge)						
	4.60	.25	.25			
Group VI: Miscellaneous operators: Equipment greaser; oiler; mechanic helper; drilling machine helper; space heaters; safety boat operator; oiler on dredge						
	4.25	.25	.25			

State: Illinois; county: St. Clair.

DECISION No. AM-8598; date: Apr. 28, 1972.

Supersedes Decision No. AM-337, dated Aug. 13, 1971, in 36 F.R. 15194.

Description of work: building construction, (excluding single-family home and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H. & W.	Pensions	Vacation	App. Tr.	Other
Asbestos workers	\$8.53	\$0.20	\$0.17			
Boilermakers	7.35	.40	.65		\$0.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers and stonemasons:						
Belleville, O'Fallon, Shiloh, Lebanon Mascoutah, Scott AFB, Freeburg and area approximately 5 miles southeast of Belleville	6.30		.30	\$0.60		
East St. Louis and vicinity	7.44	.40		10%		
Carpenters (building, heavy and highway)	8.385	.25	.25			
Cementmasons:						
Building construction	8.525	.25	.25			
Heavy and highway construction	8.375	.25	.25			
Electricians	8.11	3 1/2%	1%+.25	.49	.25%	
Elevator constructors	5.56	\$0.105	\$0.125	1/2%+a&b	\$0.005	
Elevator constructors' helpers	70%JR	.105	.125	1/2%+a&b	.005	
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	\$7.46	c	.40	8%+d	.01	
Ironworkers, structural and ornamental	8.50	.30	.30			
Ironworkers, reinforcing	8.50	.30	.30			
Laborers (building and heavy construction):						
Vicinity of East St. Louis, Washington Park, Brooklyn, Fairmont City, French Village, Dupo, Pearl Harbor, Alcoa, Alorton, Caseyville, Midway, Mapewood, Canokla, National City, North Dupo, Canteon, and Centerville:						
Laborers, common	6.75	.25	.35		.035	
Asphalt rakers, creosote workers	7.00	.25	.35		.035	
Bottommen on sewer work	7.00	.25	.35		.035	
Mastic cookers	7.00	.25	.35		.035	
Dynamitemen	8.275	.25	.35		.035	

NOTICES

8623

SUPERSERIES DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers—Continued</b>						
Hod carriers (Plastering)	7.25	.25	.35			.035
Hod carriers (masonry)	7.45	.25	.35			.035
Work in cess pools, dry wells or septic tanks	7.00	.25	.35			.035
Motor buggy operator	7.00	.25	.35			.035
<b>Vicinity of Belleville (building and heavy construction):</b>						
Laborers	7.15		.20			.035
Men putting out and taking in lights or tend fires and salamanders for drying	7.15		.20			.035
All work performed in septic tanks, cess pools or dry wells; all feeders, mixers or nozzlemen on gunite or sandblasting work; raking or luting asphalt; handling creosoted materials; burning or cutting with a torch; all types or cased wells; cooking and mixing and applying of mastic; men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sewer pipe	7.40		.20			.035
Hod carriers	7.65		.20			.035
Plasterers' tenders	7.65		.20			.035
Dynamitemen and powdermen	8.65		.20			.035
<b>Vicinity of O'Fallon, Mascoutah, Scott AFB, Shiloh and Lebanon (building and heavy):</b>						
Laborers, unskilled, semiskilled	7.15		.20			.035
Working on bottom doing caulking, laying or final grading on sewer pipe	7.40		.20			.035
Burning or cutting torches	7.40		.20			.035
Cooking and handling creosoted material	7.40		.20			.035
Chain saws	7.40		.20			.035
High work 25 ft. or more	7.40		.20			.035
Dynamitemen	8.00		.20			.035
Brickmason tenders	7.65		.20			.035
Mortar mixers	7.65		.20			.035
Plasterers' tenders	7.65		.20			.035
<b>Vicinity of Lenzburg (building construction):</b>						
Laborers	6.65		.20			.035
All brick and plaster masons tenders	7.15		.20			.035
Workmen cutting and burning with a torch	6.90		.20			.035
Dynamitemen	8.25		.20			.035
<b>Freeburg and Vicinity (building and heavy construction):</b>						
Laborers	7.00		.20			0.35
All sewer work	7.25		.20			0.35
Workmen cutting and burning w/a torch	7.25		.20			0.35
Mason tenders	7.50		.20			0.35
Plasterers' tender	7.50		.20			0.35
Dynamitemen	8.60		.20			0.35
<b>New Athens and vicinity (building construction):</b>						
Laborers	6.50		.20			.035
Asphalt rakers	6.65		.20			.035
Plumber helpers, workmen while cutting and burning with a torch and men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sewer pipe	6.75		.20			.035
Masons and plaster tender	6.90		.20			.035
Dynamitemen	8.05		.20			.035
<b>Marissa and vicinity (building construction):</b>						
Laborers	4.35		.20			
Mason and plaster tenders, men working on bottom of sewer trenches on final grading, laying or caulking of preformed sectional sanitary or sewer pipe	4.60		.20			
<b>Line construction:</b>						
Linemen	7.98	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Groundmen equipment operators	6.92	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Groundmen truckdrivers: With winch	5.63	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Groundmen truckdrivers: Without winch	5.63	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Pickups or jeeps	5.25	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Groundmen	5.21	31 <sup>2</sup> / <sub>100</sub> %	1%			28 <sup>7</sup> / <sub>100</sub> %
Marble setters	7.19	\$0.17	\$0.45			28 <sup>7</sup> / <sub>100</sub> %
Millwrights	8.355	.25	.25			
Lathers	5.175	.15		\$0.45		
Lead burners	6.90	.30		1	\$0.01	
Piledrivers	8.385	.25	.25			
Plasterers	8.775					.01
Plumbers and steamfitters: (East St. Louis and Vicinity)	7.50	.20	5%	5%		
Plumbers and steamfitters: (Belleville, and Vicinity and Scott AFB)	8.15		\$0.30	5%		
<b>Roofers:</b>						
Composition	6.45	.27	.30	\$0.40		.03
Kettlemen	4.65	.27	.30	.40		.03
Slate and tile	6.45	.27	.30	.40		.03
Sheet metal workers	7.95	.15	.15	6%		.01
Sprinkler fitters	8.00	.25	.40			.05
Terrazzo workers	5.65					
Terrazzo workers' helpers and floor machine operator	4.60					
Terrazzo base machine operator	4.90					
Tile setters	5.91	.175	.45			
Soft floor layers	8.385	.25	.25			

Welders—receive rate prescribed for craft performing operation to which welding is incidental.  
 Paid holidays (where applicable): A—New Years Day; B—Memorial Day; C—Independence Day;  
 D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:  
 a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.  
 b. 6 paid holidays: A through F.  
 c. Employer contributes \$45.67 per month per employee.  
 d. 10 paid holidays: A through F plus Washington's Birthday; Columbus Day; Veterans Day; and Friday after Thanksgiving Day.  
 e. Includes employer's contribution to pension fund.  
 f. 8 paid 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.

## SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers heavy construction:</b>						
Clinton County; Trenton and vicinity; Jersey County; Macoupin County; Carlinsville, Girard, and Palmyra and vicinity:						
Common laborers.....	7.20				.035	
All brick and plaster masons tenders.....	7.70				.035	
Workmen cutting and burning w/s torch.....	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).....	7.45				.035	
Dynamitemen.....	8.80				.035	
<b>Bond County; Calhoun County; Clinton County; New Baden and vicinity; Greene County; Macoupin County; Gillespie, Mount Olive, Shipman, and Staunton and vicinities; Madison County; Highland, Livingston, Marine, and St. Jacobs and vicinities; Randolph County; St. Clair County; Lenzberg and vicinity and Washington County:</b>						
Common laborers.....	7.00		.20		.035	
All brick and plaster masons tenders.....	7.50		.20		.035	
Workmen cutting and burning w/a torch.....	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).....	7.25		.20		.035	
Dynamitemen.....	8.60		.20		.035	
<b>Laborers—Highway construction:</b>						
<b>Belleville; O'Fallon:</b>						
Laborers.....	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform.....	7.35		.20		.035	
Tending to brick masons.....	7.75		.20		.035	
Dynamitemen.....	8.775		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts).....	7.50		.20		.035	
<b>East St. Louis:</b>						
Laborers.....	6.75	.25	.35		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform.....	6.85	.25	.35		.035	
Tending to all brick masons.....	7.25	.25	.35		.035	
Dynamitemen.....	8.275	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts).....	7.00	.25	.35		.035	
<b>Freeburg, Lenzburg, Marissa, Mascoutah, and New Athens:</b>						
Laborers.....	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics.....	7.25		.20		.035	
Weighman on asphalt platform.....	7.225		.20		.035	
Tending to all brick masons.....	7.65		.20		.035	
Dynamitemen.....	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts).....	7.40		.20		.035	
<b>Painters:</b>						
<b>Residential and commercial:</b>						
Brush.....	7.65	.25	.15			
Rollers, cut-in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs.....	7.90	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.....	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24 in. fan.....	8.65	.25	.15			
Spraying air-less with 24 in. fan or over.....	8.65	.25	.15			
<b>Industrial:</b>						
Brush.....	7.90	.25	.15			
Roller and cut-in men.....	8.40	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs.....	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.....	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24-in. fan.....	8.90	.25	.15			
Spraying air-less with fan 24 in. or over.....	9.30	.25	.15			
<b>Hazardous work (bridges, TV and radio towers, high line towers, water towers, smoke stacks and grain elevators):*</b>						
Brush.....	8.15	.25	.15			
Roller or cut-in men.....	8.65	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs.....	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.....	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24-in. fan.....	9.15	.25	.15			
Spraying air-less with fan 24 in. or over.....	9.95	.25	.15			
<b>Building and heavy construction:</b>						
<b>Power equipment operators:</b>						
Cranes, dragline, shovels, skimmer scoops, clamshells or orange peels, derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant operators, concrete plant operators, ditching machine or backfillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines hoist—2-drum or more (where oiler or fireman is required).....	8.10	.30	.85			
Hydraulic backhoe, ditching machine, or backfiller (not requiring oiler), hoists—2-drum or more (where oiler or fireman is not required), cherry pickers, overhead cranes roller, steam or gas, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags), boat operators (25 ft. and over).....	8.10	.30	.85			
Drills (other than derrick type), one drum hoist, mud jacks or well drilling machines, boring machines, or track jacks, conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2), siphon or jets (2), winch heads or apparatuses (2), light plants (2), mixers (2 or 3 bags).....	8.10	.30	.85			
Motor graders or pushnets, scoops or Tournapulls, bulldozers, endloaders or forklifts, power blade or elevating graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines.....	8.10	.30	.85			
All tractors regardless of size (straight tractor only), fireman or stationary boilers, automatic elevators, form grading machines, finishing machines, power subgrader or ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (1), distributor operators on trucks, siphons or jets (1), winch heads or apparatuses (1), light plants (1), mixers (under 2 bags).....	8.10	.30	.85			
Air compressor (1), water pumps—regardless of size (1), welding machine (1).....	7.325	.30	.85			
Firemen, asphalt spreader oiler.....	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.).....	6.65	.30	.85			
Oiler or apprentice.....	6.40	.30	.85			
Heavy-duty mechanics.....	8.10	.30	.85			
Hard rock mining \$0.25 per hour premium pay above existing rate.....						
Engineers operating under air pressure.....	10.25	.30	.85			
Apprentices operating under air pressure.....	8.50	.30	.85			
Engineers operating in air over 10 lb. pressure.....	10.55	.30	.85			
Apprentices operating in air over 10 lb. pressure.....	9.00	.30	.85			

SUPERSEDES DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Highway construction:						
Power equipment operators:						
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant operators, concrete plant operators, ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cableways or tower machines, hoists—2-drum or more (where oiler or fireman is required)	8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) hoists—2-drum or more (where oiler or fireman is not required), cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat operators (25 ft. and over)	8.10	.30	.85			
Motor graders or pushers, scoops or Tournapulls, bulldozer, endloaders or forklifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) 1-drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (2 or 3 bags), air compressors (2), water pumps regardless of size (2), welding machines (2), siphons or jets (2), winch heads or apparatuses (2) and light plants (2)	8.10	.30	.85			
Mixers (under 2 bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power subgrader or ribbon machine	8.10	.30	.85			
Longitudinal floats, boat operators (under 25 ft.), conveyors (1), distributor operators on trucks, siphons or jets (1) winch heads or apparatuses (1), lights plants (1)	8.10	.30	.85			
Air compressors (1), water pumps regardless of size (1), welding machines (1)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, monicans, large cranes, etc.)	6.85	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy-duty mechanics	8.10	.30	.85			
Hard rock mining—additional 25 cents per hour	8.10	.30	.85			
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lb. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lb. pressure	9.00	.30	.85			
Truckdrivers (building, heavy and highway):						
Drivers on 4-wheel trucks, dumperetes, scoopmobile 5 cu. yd. and under or less than 7½ tons, mixer trucks 3 cu. yd. and under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2—34E batches or less, truckdrivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yd. or less, and small pallet-type forklift operator, and driver on pilot trucks	6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yd. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrails, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yd. or less than 13½ tons, tandems and semitrailer service trucks, mixer trucks, mixer trucks over 3 cu. yd. and including 6½ cu. yd. forklift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks—wet or dry—over 2 up to and including 4—34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yd. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to and including 16 yd. or 24 tons, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrails, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yd., batch trucks—wet or dry—over 4—34E batches, single-axle lowboy trailers, 6-wheel pole trailers and 2-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yd. or 24 tons, such as Koehring or similar dumpsters, track trucks, Euclids, hug dumps, Tournapulls, Tournarockers, or similar equipment when used for transportation purposes and drivers on oil distributors, 1-man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			
Footnote:						
a. Employer contributes \$9 per week per each employee.						

State: Illinois; county: Kane.  
 Decision No.: AM-8,599; date: Apr. 28, 1972. Supersedes Decision No. AM-332, dated Aug. 13, 1971, in 36 F.R. 15166.  
 Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories); heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	88.25	\$0.40	\$0.275		\$0.05	
Bollermakers	8.35	.50	.75		.01	
Bollermakers' helpers	8.25	.50	.75	2%	.01	
Bricklayers and stonemasons	8.50	.30	.61	2%		
Carpenters and pilerdrivermen:						
Building:						
Heavy and highway	7.68	.35	.47			
Cementmasons (building, heavy and highway)	6.92	.20	.15	\$0.08		
Electricians and line construction:	8.90	.30	.50			
Northern half of county:						
Electricians	8.30	3%	4%		½ of 1%	
Linemen, digger operator	7.65	\$0.15	1%		.25%	
Groundmen	5.00	.15	1%		.25%	
Groundmen, equipment operator and tractor operator	5.20	.15	1%		.25%	
Southern half of county:						
Electricians	8.80	3%	1%	4%	1%	
Linemen	7.65	\$0.15	1%		.25%	
Groundmen	5.00	.15	1%		.25%	
Groundmen, equipment operator and tractor operator	5.20	.15	1%		.25%	
Glaziers	7.65	.16	\$0.25		\$0.01	
Ironworkers: Structural, ornamental and reinforcing	9.65	.25	.125		.045	
Laborers (building construction):						
Power vibrator	6.25	.25	.30			
Jackhammer and airspade operator	6.35	.25	.30			
Chain saw	6.50	.25	.30			
Mortar mixers	6.50	.25	.30			
Common laborer	6.40	.25	.30			
Dynamiters	6.25	.25	.30			
The layers and bottomman	6.75	.25	.30			
Lathers	6.60	.25	.30			
Leadburners	8.11	.30			.01	
Millwrights	6.90	.30			.01	
	7.68	.35	.47			

## SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters:						
Brush	6.725	.25	.20			.02
Spray	7.125	.25	.20			.02
Plasterers	8.90	.30	.50			
Laborers: Heavy and highway construction:						
Common laborers	5.80	\$0.25	.15			
Asphalt laborers and helpers	5.80	.25	.15			
Tile layers and bottommen	6.15	.25	.15			
Air tampers and vibrators	5.85	.25	.15			
Chain saw men	6.05	.25	.15			
Jackhammer men, drill men, concrete breakers and air spades	6.05	.25	.15			
Stringline and form setters on concrete highways, streets, alleys, etc.	5.95	.25	.15			
Sheeting and cribbing men	5.95	.25	.15			
Asphalt plant laborer	5.80	.25	.15			
Black top rakers and lutemen	5.95	.25	.15			
Stripping laborer	5.80	.25	.15			
Concrete saw, self-propelled saw	5.80	.25	.15			
Machine screwmen	5.95	.25	.15			
Mixers (mortar and concrete)	5.90	.25	.15			
Caisson diggers	6.30	.25	.15			
Dynamiters	6.30	.25	.15			
Plumbers and steamfitters:						
Vicinity of Elgin	7.78	.28	.20	\$0.34		.01
Vicinity of Aurora	6.90	.19	.14	.15		.02
Roofers	7.30	.30		.20		
Sheet metal workers	7.55	.30	.15	.57		.02
Soft-floor layers	7.68	.35	.47			
Sprinkler fitters	8.00	.25	.40			.05
Tile setters	7.75	.25	.825			.05
Tile setters' helpers	6.90	.30	.58			
Terrazzo workers	7.50					
Terrazzo workers' helpers and floor machine	6.85					
Base machine operator	7.10					
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. 8 paid 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.						
Power equipment operators:						
Building construction:						
Asphalt plant, asphalt spreader, Autograde, batch plant, Benoto (requires 2 engineers) boiler and throttle valve, caisson rigs, central Redi-mix plant combination backhoe front-end loader machine, compressor and throttle valve, concrete breaker (truck mounted) concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete placer, concrete tower, cranes (all), cranes, hammerhead; derricks (all), derricks, traveling, grader, elevating grouting machines, highlift shovels, or front-end loader 2½ yd. and over, hoists, 1, 2, and 3 drum, hoists, 2 tigger, 1 floor, hydraulic boom trucks, locomotives (all), motor patrol, pile-drivers and skid rig, posthole digger, prestress machine, pump cretes dual ram (requiring frequent lubrication and water) pump cretes, squeeze Cretescrew type pumps, gypsum bulker and pump, rock drill (truck mounted) scoops, tractor boom and side boom, Trenchlines, mechanicals	8.65	.30	.40	.20		.02
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag and over) conveyor, portable forklift trucks, greaser engineer, highlift shovels of front-end loaders under 2½ yd., hoists, automatic hoists, all elevator hoists, tigger, single drum, rollers, all steam generators, stone crushers tractors (all), winch trucks with A-frame	7.60	.30	.40	.20		.02
Air compressor, small, 125 and under (1 to 5 not to exceed a total of 300 ft.); air compressor, large, over 125, combination, small equipment operator; generators, large, over 50 kw.; heaters, mechanical; pumps over 3 in. (1 to 3 not to exceed a total of 300 ft.); pumps, well points, welding machines (2 through 6); winches, 4 small electric drill winches	6.80	.30	.40	.20		.02
Heavy and highway construction:						
Class I: Asphalt plant, asphalt heater and planer combination, asphalt spreader, Autograde belt loader, caisson rigs, central Redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer concrete tube float, cranes (all attachments), cranes—Linden, Peco and machine of a like nature, derricks (all), derricks (boats), derricks (traveling); dredges, Euclid loader, elevating type, Gradall and machines of a like nature, grader elevating hoists; 1, 2, and 3 drum; locomotives (all), mucking machine, 1 cu. yd. and over, mucking machine, under 1 cu. yd., pile-drivers and skid rig, prestress machine, Pump-cretes—dual ram (requiring frequent lubrication and water); rock drill—crane type, slip-form paver, straddle buggies, tractor with boom, Tractaire—with attachments, trenching machines, underground boring and/or mining machines 5 ft. in diameter and over; tunnel etc.—underground boring and/or mining machines under 5 ft., wheel excavator, widener (Apsco)	\$7.80	.30	.20			.02
Class II: Mechanic-welder, batch plant, bituminous mixer, bulldozers, combination backhoe front-end loader machine, concrete breaker or Hydro hammer, concrete grinding machine, concrete mixer or paver 78 series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine and sealing machine, finishing machine—concrete, grader motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front-end loader, hydraulic boom trucks (all attachments), locomotives, dinky, pumpcretes; Squeezerecetes, screw type pumps, gypsum bulker and pump rock drill (self-propelled); rototiller, Seaman, etc., self-propelled, Scoops, tractor-drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractors, push, pulling sheeps foot, disc compactor, etc., tugboats	7.30	.30	.20			.02
Scraper, prime mover in tandem (regardless of size); additional \$1 to class II hourly rate for each hour and for each machine attached thereto. Additional \$1 to class II hourly rate for each hour.						
Class III: Boilers, boiler and throttle valve, brooms (all power propelled); cement supply tender, compressor and throttle valve, concrete mixer (2 bag and over); conveyor, portable, fireman on boilers; forklift trucks, greaser engineer grouting machine, hoists, automatic, hoists, all elevators; hoists, tigger, single drum, jeep diggers, pipe jacking machines posthole digger, power saw, concrete power driven, pug mills, rollers (all), steam generators, stone crushers, stump machine, winch trucks with A-frame, work boats, Tamperform, motor driven	6.70	.30	.20			.02
Class IV: Air compressors, all, generators, heaters, mechanical; light plants, all (1 through 5); pumps (all), pumps, well points, Tractaire, welding machines (2 through 6)	6.10	.30	.20			.02
Class V: Others	5.50	.30	.20			.02

SUPERSEDES DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<b>Truckdrivers (building, heavy and highway):</b>					
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, lowboys, service trucks, scissor trucks, telescope trucks, water trucks:					
2- or 3-axle trucks	5.45	a8.00	a10.00		
4-axle trucks	5.60	a8.00	a10.00		
5-axle trucks	5.80	a8.00	a10.00		
6-axle trucks	6.00	a8.00	a10.00		
A-frame truck when used for transportation purposes, air compressors and welding machines including those pulled by cars, pickup trucks and tractors, ambulances, batch gate lockers, batch hopperman, carryalls, forklift and holsters, helpers, mechanic helpers and greasers	5.45	a8.00	a10.00		
Car and truck washers	5.30	a8.00	a10.00		
Dispatcher	5.55	a8.00	a10.00		
Dumperete and agitators under 7 yd., mixer trucks under 7 yd.	6.00	a8.00	a10.00		
Dumperete and agitators 7 yd. or over, explosive and/or fission material trucks, mixer trucks, 7 yd. and over	5.80	a8.00	a10.00		
Master mechanic	6.00	a8.00	a10.00		
Dumpsters, track trucks, Euclids, hug bottom dump Tournatrailers or Tournapulls when pulling other than self-loading equipment or similar equipment:					
Under 16 cu yd.	5.60	a8.00	a10.00		
Over 16 cu yd.	5.80	a8.00	a10.00		
Mechanic	5.65	a8.00	a10.00		
Oil distributors, 2-man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks, 2-man operation, teamsters, unskilled dumpmen, warehousemen and dockmen, winch trucks, 2 axles	5.45	a8.00	a10.00		
Ready-mix plant hopper operator	5.60	a8.00	a10.00		
Mobile crane while in transit, oil distributors, 1-man operation, pole trailer, over 40 feet, slurry trucks, 1-man operation, winch trucks, 3 axles or more	5.80	a8.00	a10.00		

Footnote:  
a. Per week per employee.

State: Indiana; County: Allen.  
 DECISION No. AM-8600; date: Apr. 28, 1972.  
 Supersedes Decision No. AM-351, dated Aug. 13, 1971, in 36 F.R. 15277.  
 Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
Asbestos workers	\$0.00	\$0.25	\$0.15		
Boilermakers	8.95	.50	.65		\$0.01
Bricklayers	7.91	.20	.20		.01
Stonemasons	7.91	.20	.20		.01
Carpenters (building)	7.15	f 4%			.04
Millwrights	7.50	f 4%			.04
Piledrivermen	7.50	f 4%			.04
Carpenters (heavy and highway)	7.78	\$0.30	.30		.04
Cementmasons (building, heavy and highway)	6.90	.30			.02
Cementmasons (swing scaffold 5 ft. or over)	7.15	.30			
Electricians	7.70	.18	1%		.04
Elevator constructors	7.17	.17	\$0.185	2%+a&b	.005
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005
Elevator constructors' helpers (probationary)	50% JR				
Ironworkers	\$8.25	.40	.65		.01
Leathers	6.16		.15		
Lead burners	6.90	.30		d	.01
Marble setters	7.91	.20	.20		.01
Painters, brush, roller and paper hanger	4.35				
Painters, spray and sandblasting	5.90	.22	.22		.05
Painters, highwork, 31 ft. to 60 ft.	6.90	.22	.25		.05
Painters, highwork, 61 ft. to 100 ft.	6.30	.22	.25		.05
Painters, highwork, over 100 ft.	6.70	.22	.25		.05
Plasterers	6.90	.22	.25		.05
Plumbers and steamfitters	6.61	.30			
Roofers	8.005	.15	.175		.07
Sheet metal workers	6.95		.10		
Soft-floor layers	6.77	.20	.15		
Sprinkler fitters	7.15	f 4%			.04
Terrazzo workers	8.00	\$0.25	.40		.05
Terrazzo workers' helpers	6.60				
Tile setters	4.35				
Tile setters' helpers	6.60				
Truckdrivers:	4.35				
Up to and including 1 ton	5.38	c	e		
Sweeper attached and distributor, water wagon	5.68	c	e		
1½ to and including 3 tons and forklift	5.48	c	e		
Tandem or double or lowboy	5.58	c	e		
Semi	5.58	c	e		
Winch or boom	5.53	c	e		
Helpers, spotters	5.58	c	e		
Welders—receive rate prescribed for craft performing operation to which welding is incidental.	5.38	c	e		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:  
 a. Holidays: A through F.  
 b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.  
 c. \$6 per week for each employee.  
 d. 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 regularly scheduled workdays immediately preceding and following the holiday.  
 e. \$8 per week for each employee.  
 f. 4% for health and welfare includes pension.

## SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers: Building construction:</b>						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up 3 in., mason tenders	5.45	.18	.25		.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of unimcrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, Hyster operators, pumpcrete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.65	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer	5.75	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottom men, concrete men (bottom), miners and header men	6.05	.18	.25		.07	
Group E: Dynamite men	6.45	.18	.25		.07	
<b>Laborers: Heavy and highway construction:</b>						
Dynamite and powdermen	5.15	.18	.25		.07	
Asphalt lutemen, asphalt rakemen, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.95	.18	.25		.07	
Common laborers, unskilled	4.80	.18	.25		.07	
<b>Laborers (sewer and tunnel):</b>						
Top laborer	4.92	.18	.25		.07	
Well point lead man	4.97	.18	.25		.07	
Jackhammer and air tool operators	5.02	.18	.25		.07	
Bottomman	5.22	.18	.25		.07	
Pipelayer	5.22	.18	.25		.07	
Free air tunnel and caisson work:						
Miners or headermen	6.00	.18	.25		.07	
Muckers and tunnel laborers	5.50	.18	.25		.07	
Bottommen and concretemen	5.40	.18	.25		.07	
Topmen	5.30	.18	.25		.07	
<b>Line construction:</b>						
North Indiana exclusive of Calumet area:						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.00	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truck driver with winch	4.48	.15	1%		.25%	
Ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 mo.	3.45	.15	1%		.25%	
After 12 mo.	4.11	.15	1%		.25%	
Calumet area:						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truck driver with winch	4.68	.15	1%		.25%	
Groundman truck driver with winch	4.26	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 mo.	3.54	.15	1%		.25%	
After 12 mo.	4.22	.15	1%		.25%	
<b>Building construction:</b>						
Power equipment operators:						
Air compressor (2 or 1 over 200 cu. ft.), mechanical heaters (2, 3, or 4), pumps (2, 3, or 4), pumps (2, 3, or 4) tractor, welding machines (2, 3, or 4)	5.65	.15	\$0.20		\$0.02	
Angle dozer, bulldozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching and trenching machine, elevators (when used to hoist material), mechanic on jobsite, scoop, tractor/farm type, backhoe over 3/4 yd.	6.53	.15	.20		.02	
Backhoe, caisson drilling machine, clamshell, crane, derrick, dragline, dredge, piledriver, shovel, tower crane	6.68	.15	.20		.02	
Concrete mixer (dual drum)	6.73	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.48	.15	.20		.02	
Crane, electric overhead, dinky engine in tunnel, forklift, locomotive, tractor with winch	6.68	.15	.20		.02	
Ditching and trenching machine (over 24 in.) hoist, Tournapull (or similar) tractor shovel	6.63	.15	.20		.02	
Fireman	7.40	.15	.20		.02	
Helicopter	6.18	.15	.20		.02	
Power blade	5.70	.15	.20		.02	
Rollers on earth	6.43	.15	.20		.02	
Rollers on stone, blacktop or brick	6.23	.15	.20		.02	
Ross carrier, tractor—farm with attachments (Fordson or comparable size), boatman	6.03	.15	.20		.02	
Throttle valve, well point system	6.03	.15	.20		.02	
Track jack	5.55	.15	.20		.02	
<b>Heavy and highway construction:</b>						
Power equipment operators:						
Group I: Auto patrol, backhoe (on farm-type tractor over 50 hp.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (including clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, Euclid loader, formless paver, Gradall, gravel processing machine, operator of guardrail post driver high lift shovel 1 1/2 yd. and over), hoist (2 drums and over), keystone (skimmer scoop) locomotive operator, mucking machine, panel board concrete plant (central mix type), paver—Hetherington, piledriver—skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater and planer, tandem push cat, Tournapull, or similar equipment, Tournapull tandem, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24 in.) tug boat operator, well drilling machine, winch truck with A-frame	6.60	.25	.20		.04	
Group II: Backfiller, backhoe on farm-type tractor with less than 50 hp., bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, Ross carrier, sheepfoot roller (self-propelled), tamper—multiple vibrating—asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24 in. and under), welder	6.25	.25	.20		.04	

NOTICES

8629

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Heavy and highway construction—Continued</b>						
<b>Power group operators—Continued</b>						
Group III: Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (1 drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry, seal machine (R.R.), tamper—multiple vibrating—earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractor with drill, tractor (50 hp. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20		.04	
Group IV: Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deckhand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, operator 2 pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw—concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractor, tractor (below 50 hp.), truck crane oiler—driver, water pump, welding machine	5.25	.25	.20		.04	
<b>Sewer construction:</b>						
<b>Power equipment operators:</b>						
Oilers and greasers	5.15	.15	.20		.02	
Air compressor (less than 200 cu. ft.) pump (over 2 in.), welding machine	5.15	.15	.20		.02	
Concrete mixer conveyor	5.30	.15	.20		.02	
Truck crane drivers	5.40	.15	.20		.02	
Track jack	5.45	.15	.20		.02	
Air compressor (2 or 1 over 200 cu. ft.), pumps (2, 3, or 4), tractor, welding machines (2, 3, or 4)	5.55	.15	.20		.02	
Rollers on earth	5.60	.15	.20		.02	
Firemen	5.65	.15	.20		.02	
Forklift—machinery moving, throttle valve, well point system	5.93	.15	.20		.02	
Power blade	6.08	.15	.20		.02	
Ross carrier, tractor-farm with attachment, Fordson or comparable size, boatman	6.13	.15	.20		.02	
Rollers on stone, blacktop or brick	6.33	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.38	.15	.20		.02	
Angle dozer, bull dozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching and trenching machine, elevators (when used to hoist material) scoop, tractor (farm-type, backhoe over 3/4 yd.)	6.43	.15	.20		.02	
Crane electric overhead, dinkey engine in tunnel, forklift building construction, locomotive, tractor with winch	6.48	.15	.20		.02	
Ditching and trenching machine (over 24 in.), hoist, Tournapull or similar equipment, tractor shovel	6.53	.15	.20		.02	
Backhoe, caisson drilling machine, clamshell, crane, derrick, dragline, dredge, piledriver, shovel, tower crane	6.58	.15	.20		.02	
Concrete mixer (dual drum)	6.63	.15	.20		.02	
Helicopter	7.30	.15	.20		.02	
<b>Heavy and highway construction:</b>						
<b>Truck drivers:</b>						
Group A: Acey wagons over 3 buckets	4.95	a	b			
Group B: Acey wagons to and including 3 buckets	4.90	a	b			
Group C: Tandem-tandem semitrucks—truck mechanics—heavy equipment type water wagon over 5,000 gal.—tri-axle trucks pulling tilt-top trailers—low-boys, tandem-tandem axle	4.85	a	b			
Group D: Tri-axle trucks—tandem axle semitrucks—equipment not self-loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom and hug-bottom dump, Tournatralers, Tournarockers, A they wagons, or similar equipment over 12 cu. yd. tandem axle trucks pulling tilt-top trailers—lowboys, tandem axle—tri-axle batch truck	4.80	a	b			
Group E: Tandem "Dog-Legs" trucks—semitrucks—sprinkler trucks—heavy equipment type water wagon 5,000 gal. and under	4.75	a	b			
Group F: Truck mounted pavement breakers—tandem trucks over 15-ton payload single-axle semitrucks—farm tractors hauling material—equipment not self-loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug-bottom dump, Tournarockers, A they wagons, or similar equipment, 12 cu. yd. and under—mixer trucks, all types—single-axle trucks pulling tilt-top trailer—low-boys, single axle	4.70	a	b			
Group G: Tandem axle fuel trucks—tandem axle water trucks—bituminous distributor, 1 man.	4.65	a	b			
Group H: Single axle "Dog Legs"—tandem trucks or "Dog-Legs"—winch trucks or A-frames used for transportation—batch trucks, wet or dry over 3 (34E) batches grease and maintenance trucks servicing tandem axle trucks	4.60	a	b			
Group I: Single-axle fuel trucks—single-axle water trucks—bituminous distributors, 2-man.	4.55	a	b			
Group J: Single-axle straight trucks—batch trucks, wet or dry 3 (34E) batches or less—grease and maintenance trucks servicing single-axle trucks	4.50	a	b			
Group K: Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Group L: Pickup trucks	4.35	a	b			

Footnote:  
a. \$6 per week for each employee on payroll of employer 30 days or more.  
b. \$8 per week for each employee on payroll of employer 30 days or more.

State: Indiana; county: Marion.  
Decision No.: AM-8,601; date: Apr. 28, 1972. Supersedes Decision No. AM-359, dated Aug. 13, 1971, in 36 F.R. 15327.  
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	\$8.10	\$0.20	\$0.20		\$0.02	
Boilermakers	8.95	.50	.65		.01	
Bricklayers and stonemasons	8.05	.25	.20		.03	
Carpenters:						
Building						
Heavy and highway	8.15	.40	.27		.05	
Cementmasons (building, heavy and highway)	7.78	.30	.30		.02	
Electricians	6.63				.04	
Elevator constructors	7.78	2%	3%		.5%	
Elevator constructors' helpers	7.96	\$0.195	\$0.20	2%+b&c	\$0.005	
Elevator constructors' helpers (probationary)	70%JR	.17	.185	2%+b&c	.005	
Glaziers	50%JR					
	\$7.99					

## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Ironworkers: Structural, ornamental, reinforcing	6.55	.25	.45		.02	
Laborers, wrecking:						
Wrecking laborers, salamander and mason tenders	5.20	.18	.25		.07	
Jackhammer, drill and compactor operators, chain saw operator, mechanical wheelbarrows and bug-gies; gas powered floor sweeper; laborers working over 3 stories or 35 ft. in height	5.40	.18	.25		.07	
Cutting torch or burner	5.60	.18	.25		.07	
Lathers	6.10	.15			.015	
Leadburners	6.90	.30		e	.01	
Marble setters	7.90		.20		.03	
Marble and tile setters' helpers	5.10					
Millwrights	8.15	.40	.27		.05	
Painters:						
Brush, dry wall, tapers, finishers	6.60	.20	.20			
Spray and sandblasting	7.40	.20	.20			
Rollers	6.60	.20	.20			
Sign painters	4.25				b&d	
Sign painters' helpers, 1st year	2.60				b&d	
Sign painters' helpers, 2d year	3.10				b & d	
Sign painters' helpers, 3d year	3.43				b & d	
Plasterers	7.95	.25			.01	
Plumbers	7.90	.25	.15		.04	
Piledrivermen	8.15	.40	.27		.05	
Pipefitters and steamfitters	7.70	.25	.35		.04	
Roofers, composition	6.60	.15	.15			
Roofers, slate and tile	6.55	.15	.15			
Roofers, helpers	5.25	.15	.15			
Sheet metal workers	7.53	.40	.40		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Soft-floor layers	6.45	.25			.05	
Terrazzo workers	7.65	.25	.20			
Terrazzo workers' helpers	5.20					
Terrazzo base machine operator	6.40					
Tile setters	7.90		.20		.03	
Truckdrivers:						
Up to and including 3 tons, and helpers	5.175	a	f			
Over 3 tons, semitrailers, tandem (double bottom), winch trucks when used with winch	5.325	a	f			
Truck mechanics	5.25	a	f			
Welders receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. \$5 per week for each employee.						
b. Holidays: A through F.						
c. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.						
d. 1 week's paid vacation after 1 year's employment; 2 weeks' after 3 years; and 3 weeks' after 20 years.						
e. 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 regularly scheduled workdays immediately preceding and following the holiday.						
f. \$6 per week for each employee.						
Laborers: Building construction:						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	4.95	\$0.18	\$0.25		.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of Unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipelayers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystar operators, puncrete assemblers, conveyor assemblers, core drill operators, cement lime or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic).	5.15	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	5.25	.18	.25		.07	
Group D: Tunnel work in free air; Muckers or tunnel laborers, bottommen, concrete men (bottom), miners and header men	5.55	.18	.25		.07	
Group E: Dynamite men	5.95	.18	.25		.07	
Stacks and chimneys: Base to 25 ft., \$0.25 per hour over base rate; 25 ft. to 50 ft., \$0.50 per hour over base rate; 50 ft. to 75 ft., \$0.75 per hour over base rate; 75 ft. to 100 ft., \$1 per hour over base rate; 100 ft. to 150 ft., \$1.25 per hour over base rate; 150 ft. to 200 ft., \$1.50 per hour over base rate; 200 ft. to 250 ft., \$1.75 per hour over base rate; 250 ft. and up, \$2.00 per hour over base rate.						
Laborers: heavy and highway construction:						
Dynamite and powdermen	5.15	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.95	.18	.25		.07	
Common laborers, unskilled	4.80	.18	.25		.07	
Laborers:						
Tunnel and sewer construction:						
Common laborers	4.80	.13	.20			
Jackhammer, drill, air spades, air tamp and vibrator operators, operators of mechanical equipment (which replaces wheelbarrows and buggies), chipping and cutting hammers, laborers, laborers, in ditches deeper than 6 ft. not sheeted or sloped	5.00	.13	.20			
Sewer pipelayers	5.20	.13	.20			
Free air tunnel work:						
Miner or header man	5.60	.13	.20			
Muckers and tunnel laborers	5.10	.13	.20			
Bottommen	5.00	.13	.20			
Topmen	4.90	.13	.20			
Concrete men	5.00	.13	.20			
Line construction:						
Linemen	6.77	.25	1%		.25%	
Cable splicers	6.77	.25	1%		.25%	
Heavy equipment operator A	6.47	.25	1%		.25%	
Heavy equipment operator B	5.33	.25	1%		.25%	
Powderman	5.21	.25	1%		.25%	
Equipment mechanic	5.21	.25	1%		.25%	

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers—Continued</b>						
<b>Line construction—Continued</b>						
Senior groundman truck driver with winch.....	4.47	.25	1%	-----	.25%	-----
Groundman truckdriver with winch.....	4.30	.25	1%	-----	.25%	-----
Groundman truckdriver without winch.....	3.77	.25	1%	-----	.25%	-----
Senior groundman after 5 years.....	4.29	.25	1%	-----	.25%	-----
Senior groundman after 12 months.....	4.17	.25	1%	-----	.25%	-----
Groundman 0-12 months.....	4.17	.25	1%	-----	.25%	-----
<b>Building construction:</b>						
<b>Power equipment operators:</b>						
Air compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine.....	4.95	.15	\$0.20	-----	\$0.02	-----
Truck crane driver.....	5.05	.15	.20	-----	.02	-----
Throttle valve, well point system.....	5.70	.15	.20	-----	.02	-----
Roller on earth, tractor.....	5.73	.15	.20	-----	.02	-----
Mechanical heaters (2, 3, 4, or 5).....	5.55	.15	.20	-----	.02	-----
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, firemen, flex plane, form grader, paving joint machine.....	6.05	.15	.20	-----	.02	-----
Tractor, farm with attachments.....	6.10	.15	.20	-----	.02	-----
Boatman.....	6.21	.15	.20	-----	.02	-----
Bituminous paver, bull float, concrete curing machine, subgrader.....	6.30	.15	.20	-----	.02	-----
Tractor, farm with backhoe.....	6.35	.15	.20	-----	.02	-----
Dinky engine, track jack.....	5.80	.15	.20	-----	.02	-----
Bituminous plant engineer.....	6.45	.15	.20	-----	.02	-----
Hydrohammer.....	6.55	.15	.20	-----	.02	-----
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials).....	6.56	.15	.20	-----	.02	-----
Auto patrol, boom cat, bulldozer, concrete pump, ditching machine, forklift (material and machinery handling on job), hoist, mechanic on job, mucking machine, pushdozer, roller on stone, blacktop, brick, Ross carrier, scoops, Tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch.....	6.61	.15	.20	-----	.02	-----
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24 in.), dredge, drilling machine (caisson), electric overhead crane, piledriver, tower crane.....	6.71	.15	.20	-----	.02	-----
Helicopter (other than transportation).....	7.40	.15	.20	-----	.02	-----
<b>Heavy and highway construction:</b>						
<b>Power equipment operators:</b>						
Group I: Auto patrol, backhoe (on farm type tractor over 50 h.p.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (including clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, Euclid loader, formless paver, Gradall, gravel processing machine, operator of guardrail post driver high-lift shovel 1½ yd. and over), hoist (2 drums and over), keystone (skimmer scoop) locomotive operator, mucking machine, panel board concrete plant (central mix type), paver—Hetherington, piledriver, skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater and planer, tandem push cat, Tournapull or similar equipment, Tournapull tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24 in.) tugboat operator, well-drilling machine, winch truck with A-frame.....	6.60	.25	.20	-----	.04	-----
Group II: Backfiller, backhoe on farm type tractor with less than 50 h.p., bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, Gunite machine, head greaser, mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, Ross carrier, sheepfoot roller (self-propelled), tamper—multiple vibrating—asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24 in. and under), welder.....	6.25	.25	.20	-----	.04	-----
Group III: Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (1 drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and sub-base material), slurry seal machine (R.R.), tamper—multiple vibrating—earth and subbase material, throttle valve, throttle valve and compressor or Clever-Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, Tractair with drill, tractor (50 h.p. or over), well-point system, widener (Apsco or similar type).....	5.90	.25	.20	-----	.04	-----
Group IV: Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, Coleman type screen, conveyor (portable), deck hand, digger—posthole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanic's helper, mechanical heater, operator, 2 pieces of minor equipment, outboard or inboard motorboat, power curing spraying machine, power saw—concrete (power driven), pull broom (power type), Seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, Tractair, tractor (below 50 h.p.), truck crane older driver, water pump, welding machine.....	5.25	.25	.20	-----	.04	-----
<b>Sewer and tunnel construction:</b>						
<b>Power equipment operators:</b>						
Air compressor (1, any size), concrete mixer under 21 cu. ft., conveyor, oilers, greasers, pump (1), welding machine (1).....	5.03	.15	.20	-----	.02	-----
Truck-crane driver.....	5.13	.15	.20	-----	.02	-----
Firemen, roller, throttle valve, tractor, well-point system.....	5.73	.15	.20	-----	.02	-----
Dinky engine in tunnel.....	6.23	.15	.20	-----	.02	-----
Finishing machine, flex plane, form grader.....	6.05	.15	.20	-----	.02	-----
Tractor (farm, with attachments).....	6.10	.15	.20	-----	.02	-----
Boatman.....	6.21	.15	.20	-----	.02	-----
Tractor (farm with backhoe).....	6.28	.15	.20	-----	.02	-----
Bituminous paver bull float, subgrader.....	6.30	.15	.20	-----	.02	-----
Concrete mixer, 21 cu. ft. and over.....	6.56	.15	.20	-----	.02	-----
Auto Patrol, back filler, boom cat, bulldozer, concrete pump, concrete saw, ditching machine (under 24 in.), hoist, Hydrohammer, mechanic on job, push dozer, scoops, Tournapull and similar equipment, tractor shovel (high lift), tractor with winch, truck with winch, drilling machine.....	6.60	.15	.20	-----	.02	-----
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24 in.), dredge, orange-peel bucket, piledriver, shovels, mucking machine.....	6.71	.15	.20	-----	.02	-----
Helicopter other than transportation.....	7.43	.15	.20	-----	.02	-----

Air compressor (2), pumps (2, 3 or 4), welding machine (2, 3 or 4)—\*Combination rate.  
\*Combination rate shall mean \$0.25 per hr. extra for each additional machine.

## NOTICES

## SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers—Continued</b>						
<b>Truckdrivers (heavy and highway):</b>						
Group A: Acey wagons over 3 buckets	5.00	a6.00	a6.00			
Group B: Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Group C: Tandem-tandem semitrucks; truck mechanics; heavy equipment type water wagon over 5,000 gal.; tri-axle trucks pulling tilt-top trailers; lowboys, tandem-tandem axle	4.90	a6.00	a6.00			
Group D: Tri-axle trucks; Tandem axle semitrucks; equipment not self-loaded or pusher-loaded such as Koehring or similar dumpster; track truck, Euclid bottom dump and hug-bottom dump; Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd.; tandem axle trucks pulling tilt-top trailers; lowboys, tandem axle; tri-axle batch truck	4.85	a6.00	a6.00			
Group E: Tandem "dog-legs" trucks; semi water trucks; sprinkler trucks; heavy equipment-type water wagon, 5,000 gal. and under	4.80	a6.00	a6.00			
Group F: Truck-mounted pavement breakers; tandem trucks over 15 ton payload; single-axle semitrucks; farm tractors hauling material; equipment not self-loaded or pusher-loaded such as Koehring or similar dumpster; track truck, Euclid bottom dump and hug-bottom dump; Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yd. and under; mixer trucks, all types; single-axle trucks pulling tilt-top trailer; lowboys, single-axle	4.75	a6.00	a6.00			
Group G: Tandem-axle fuel trucks; tandem-axle water trucks; bituminous distributor, 1 man	4.70	a6.00	a6.00			
Group H: Single-axle "dog legs"; tandem trucks or "dog legs"; winch trucks or A-frames used for transportation; batch trucks, wet or dry over 3 (34E) batches; grease and maintenance trucks servicing tandem-axle trucks	4.65	a6.00	a6.00			
Group I: Single-axle fuel trucks; single-axle water trucks; bituminous distributors, 2-man	4.60	a6.00	a6.00			
Group J: Single-axle straight trucks; batch trucks, wet or dry 3 (34E) batches or less; grease and maintenance trucks servicing single-axle trucks	4.55	a6.00	a6.00			
Group K: Helpers, greasers, firemen, batch board tenders	4.50	a6.00	a6.00			
Group L: Pickup trucks	4.40	a6.00	a6.00			

## Footnotes:

a. Per week for each employee.

State: Indiana; county: Lake.

Decision No.: AM-8,602; date: Apr. 28, 1972. Supersedes Decision No. AM-357, dated Aug. 13, 1971, in 36 F.R. 15310.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Building construction:</b>						
<b>Hammond area:</b>						
Asbestos workers	\$8.50	\$0.30	\$0.125		\$0.05	
Boilermakers	8.95	.50	.65		0.1	
Bricklayers and stonemasons	8.65	.30	.45	\$0.50		
Carpenters (building, heavy and highway)	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.01	
Cementmasons (building)	7.52	.25	.25		.01	
Cementmasons (highway, bridges, and airport)	7.77	.25			.01	
Electricians	8.50	.4%	4.3%+1%		.05	
Elevator constructors	7.64	\$0.17	\$0.185	2%+a&b	.005	
Elevator constructors' helpers	70% J R	.17	.185	2%+a&b		
Elevator constructors' helpers (probationary)	50% J R					
Ironworkers, structural and ornamental	\$9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10			.01	
Leadburners	6.90	.30		d		
Marble setters	8.65	.30	.45	\$0.50		
Marble setters' helpers	5.45	.10		c		
<b>Painters:</b>						
<b>Commercial:</b>						
Brush	6.55	.32	.25		.02	
Spray and sandblasting	7.60	.32	.25		.02	
Structural steel	7.55	.32	.25		.02	
Paperhangers	7.10	.32	.25		.02	
<b>Industrial:</b>						
Brush	7.55	.32	.25		.02	
Spray and sandblasting	8.30	.32	.25		.02	
Pipefitters	7.65	.17	.30		.02	
Plasterers	6.80	.25				
Plumbers	8.10	.30	.30			
Roofers	8.61	.30	.30			
Sheetmetal workers	8.57	.38	.34		.08	
Soft-floor layers	8.66	.40	.40		.02	
Sprinkler fitters (within 30-mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters (remainder of county)	8.00	.25	.40		.05	
Terrazzo workers	8.65	.30	.45	\$0.50		
Terrazzo workers' helpers	5.75	.10		e		
Tile setters	8.65	.30	.45	\$0.50		
Tile setters' helpers	5.45	.10		c		

Paid holidays: A—New Years Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

## Footnotes:

a. Holidays: A through F.

b. Employer contributes 4 percent of regular rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. 1 week paid vacation after 1 year's employment and 2 weeks after 2 years.

d. 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 regularly scheduled workdays immediately preceding and following the holiday.

e. Remainder of County:

Asbestos workers	6.50	.30	.125		.05
Boilermakers	8.95	.50	.65		.01
Bricklayers and stonemasons	8.65	.30	.45	\$0.50	
Carpenters (building, heavy, and highway)	8.66	.40	.40		.02
Cementmasons (building)	6.52	.25	.25		
Cementmasons (highway, bridge and airport)	6.77	.25	.25		.01
Cementmasons (machine operator, color work, highway straight-edgemen)	7.52	.25	.25		.01
Electricians	8.50	.4%	4.3%+1%		.05
Elevator constructors	7.64	\$0.17	\$0.185	2%+a&b	\$0.005
Elevator constructors' helpers	70% J R	.17	.185	2%+a&b	.005

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Building construction—Continued</b>						
<b>Remainder of county—Continued</b>						
Elevator constructors' helpers (probationary)	50% JR					
Glaziers	\$7.05					
Ironworkers, structural and ornamental	9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.63		.04	
Lathers	7.05	.10				
Leadburners	8.90	.30			.01	
Marble setters	8.65	.30	.45	\$0.50		
Marble setters' helpers	5.45	.10		c		
Millwrights	8.66	.40	.40		.02	
<b>Painters:</b>						
Brush—commercial	8.95	.32	.25		.02	
Brush—industrial	7.80	.32	.25		.02	
Sandblasting and spray—commercial	7.70	.32	.25		.02	
Piledrivermen	8.66	.40	.40		.02	
Pipefitters	7.65	.27	.30		.02	
Plasterers	7.55	.25				
Plumbers	8.19	.35	.35			
Roofers	8.61	.30	.30			
Sheet metal workers	8.57	.38	.34		.08	
Sprinkler fitters (within 30-mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters (remainder of county)	8.00	.25	.40		.05	
Soft-floor layers	8.66	.40	.40		.02	
Terrazzo workers	8.65	.30	.45	\$0.50		
Terrazzo workers' helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	\$0.50		
Tile setters' helpers	5.45	.10		c		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
<b>Footnotes:</b>						
a. Holidays: A through F.						
b. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.						
c. 1 week's paid vacation after 1 year's employment and 2 weeks after 2 years.						
d. 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 regularly scheduled workdays immediately preceding and following the holiday.						
<b>Building construction:</b>						
<b>Laborers:</b>						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in., mason tenders	5.70	.18	.25		.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of Unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipelayers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operator, pumpcrete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.90	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer	6.00	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottommen, concrete men (bottom), miners and header men	6.30	.18	.25		.07	
Group E: Dynamite men	6.70	.18	.25		.07	
Stacks and chimneys: Base to 25 ft., \$0.25 per hour over base rate; 25 ft. to 50 ft., \$0.50 per hour over base rate; 50 ft. to 75 ft., \$0.75 per hour over base rate; 75 ft. to 100 ft., \$1 per hour over base rate; 100 ft. to 150 ft., \$1.25 per hour over base rate; 150 ft. to 200 ft., \$1.50 per hour over base rate; 200 ft. to 250 ft., \$1.75 per hour over base rate; 250 ft. and up, \$2 per hour over base rate.						
<b>Heavy and highway construction:</b>						
<b>Laborers:</b>						
Laborers, unskilled	5.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, dynamite and powdermen, hand blade operator, power tools and power equipment, side rail setters (for sidewalks, side ditches, radii and pavements), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.55	.18	.25		.07	
<b>Tunnel and sewer construction:</b>						
<b>Hammond and vicinity:</b>						
<b>Laborers (sewer and tunnel):</b>						
Top laborers, sheeting and form men, well-point system men, bottommen, bricklayer tender, pipelayer (sewer), catch-basin diggers, mortarmen, cement carriers, rodmen and chainmen, toolhousemen and waterboys	5.325	.13	.25		.02	
Air tool operators, jackhammer, chain saw, tempers, vibrator and core drill operators	5.40	.13	.25		.02	
<b>Remainder of the county:</b>						
<b>Laborers:</b>						
<b>Sewer:</b>						
Top laborers	5.20	.13	.25		.02	
Sheeting and form men	5.35	.13	.25		.02	
Well-point system man	5.35	.13	.25		.02	
Jackhammer, air tool and vibrator operator	5.40	.13	.25		.02	
Bottomman	5.35	.13	.25		.02	
Bricklayer tender	5.35	.13	.25		.02	
Pipelayers (sewer)	5.45	.13	.25		.02	
Catch-basin diggers	5.35	.13	.25		.02	
Mortarmen	5.35	.13	.25		.02	
Cement carriers	5.35	.13	.25		.02	
Cement mixers	5.35	.13	.25		.02	
Scaffold men	5.35	.13	.25		.02	
Burners	5.35	.13	.25		.02	
Rodmen and chainmen	5.20	.13	.25		.02	
Toolhousemen and waterboys	5.20	.13	.25		.02	
Common laborers on trenches below 5 ft. in depth from normal ground level	5.35	.13	.25		.02	
All other common laborers	5.20	.13	.25		.02	

## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Tunnel and sewer construction—Continued						
Remainder of county—Continued						
Laborers—Continued						
Compressed air:						
Jackhammer men	5.625	.13			.02	
Air hoist operators	5.575	.13		.25	.02	
Bricklayers tenders	5.575	.13		.25	.02	
Cement (invert) labor	5.575	.13		.25	.02	
Dynamiters	5.575	.13		.25	.02	
Drillers for blasting	5.575	.13		.25	.02	
Concrete blower operators	5.575	.13		.25	.02	
Lock tenders	5.575	.13		.25	.02	
Miners	5.575	.13		.25	.02	
Power knife operators	5.575	.13		.25	.02	
Keyboard operators	5.575	.13		.25	.02	
Erector operators	5.575	.13		.25	.02	
Pebble-placer operators	5.45	.13		.25	.02	
Mortar-men	5.45	.13		.25	.02	
Muckers	5.45	.13		.25	.02	
Signalmen	5.375	.13		.25	.02	
Car pushers	5.35	.13		.25	.02	
Concrete laborers	5.35	.13		.25	.02	
Grout machine operators	5.25	.13		.25	.02	
Grout laborers	5.35	.13		.25	.02	
Steel setters	5.35	.13		.25	.02	
Cage tenders	5.25	.13		.25	.02	
Skinner	5.25	.13		.25	.02	
Switchmen	5.25	.13		.25	.02	
Track layers	5.25	.13		.25	.02	
Dumpmen	5.225	.13		.25	.02	
Top laborers	5.225	.13		.25	.02	
Line construction:						
North Indiana exclusive of Calumet area:						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.09	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truck driver with winch	4.48	.15	1%		.25%	
Ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 12 months	4.11	.15	1%		.25%	
Calumet area:						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truck driver with winch	4.58	.15	1%		.25%	
Groundman truck driver with winch	4.26	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 months	3.54	.15	1%		.25%	
After 12 months	4.22	.15	1%		.25%	
Building construction: power equipment operators:						
Mechanic (with truck \$1 per hour more) asphalt plant, Autograde, batch plant, Benoto (requires 2 engineers) boiler and throttle valve caisson rigs, central Redi-mix plant, combination tugger hoist and air compressors, compressor and throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete tower, cranes (all), cranes, tower, derricks (all), derricks, traveling, forklift—hull type, forklift—10 ton and over, hoists, 1, 2, and 3 drum, hoists, 2-tugger, 1-floor, hydraulic boom truck, locomotives (all), piledrivers and skid rig, pit machines, prestress machine, Pumpertes and similar types, rock drill (self-propelled), rock drill (truck-mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor	9.02	.30		\$ .40	\$0.02	
Asphalt spreader, boilers, bulldozers, combination backhoe front-end loader, engineer acting as conductor in charge of crew, grader, elevating greaser engineer, grouting machines, highlift shovels of front-end loader, hoists, automatic, Corboy drilling machines, hoists, all elevators, hoists, tugger, single-drum, motor patrol, posthole digger, rollers (all), scoops—tractor drawn, stone crushers, Tournapull, winch trucks	8.55	.30		.40	.02	
Concrete mixer (2 bag and over), conveyor, portable, steam generators, tractors, farm and similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	7.25	.30		.40	.02	
Heaters, mechanical, oilers, switchmen	6.30	.30		.40	.02	
Heavy and highway construction: power equipment operators:						
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. and similar type machine, Hetherington assistant greaser	5.60	.30		.30	\$0.10	
Air compressors, all conveyors, fireman on boiler, generator, assistant mechanic, power-curing spraying machine, pull broom (power propelled), Seaman tiller, spike machine, striping machine, paint—motor driven, throttle valve, welding machine, well-point system	6.15	.30		.30	.04	
Assistant plant engineer, back filler, broom and belt machine, concrete finishing machine, concrete spreader—power driven, posthole digger—power driven, finishing machine and bull float, form tamper—motor driven, hoist—1 drum, multiple tamping machine, paving breaker, roller—earth and subbase material, sheepfoot roller (self-propelled), subgrader, tamper—multiple vibrating—earth and subbase material, Tractaire, Tractaire with drill, tractor, with all attachments except backhoe and including highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.95	.30		.30	.10	
Auto patrol, automatic dry batch plant, backhoe, ½ yd. and over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, Euclid loader, Gradall, highlift shovel—3 yd. and over, hoist—2 and 3 drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver—Hetherington, piledriver, road-paving mixer, Ross carrier, throttle valve and compressor on Clever-Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, Tournapull or similar type equipment, tractorboom trench machine, tugboat operator, winch truck with A-frame	7.65	.30		.30	.10	
Scoops, Tournapulls or similar type machines used in Tandem	8.65	.30		.30	.10	
Backhoe—tractor mounted (less than ½ yd.) bituminous mixer, bituminous paver, bituminous paver engineer, bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yd., Jersey spreader or base paver, mechanic, pull grader, power control, asphalt roller, waterbound macadam, bituminous macadam, brick surface heater and planer, tamper—multiple vibrating asphalt waterbound macadam, bituminous macadam, brick surface, tractor—push, tractor with scoop, widener Apcco or similar type	7.35	.30		.30	.10	

SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Tunnel and sewer construction: Power equipment operators:</b>						
Class I: Mechanic (with truck \$1 more per hour) asphalt plant, Autograde, batch plant, boiler and throttle valve, caisson rigs, central Redi-mix plant, combination, tugger hoist and air compressor, compressor and throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver 27E cu. ft. and under, concrete paver over 27E cu. ft., concrete tower, cranes (all), cranes (tower), derricks (all), derricks (traveling), forklift (Lull type), forklift (10 ton and over), hoists—1, 2, and 3 drum, hoists—2 tugger 1 floor, hydraulic boom truck, locomotives (all), piledrivers and skid rig, pit machines, prestress machine, Pumperetes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractors	9.02	.30	.40		.02	
Class II: Asphalt spreader, boiler, bulldozers, combination backhoe/front-end loader, elevating grader, grouting machines, highlift shovels or front-end loader, hoists (automatic), Corboy drilling machines, hoists (all elevators), hoists (tugger, single drum), motor patrol, posthole digger, roller (all), scoops—tractor drawn, stone crushers, Tournapull, winch trucks	8.55	.30	.40		.02	
Class III: Concrete mixer (2 bag and over), conveyor (portable), tractors (farm and similar type), air compressor, forklift trucks, generators, pumps (1 to 3, not to exceed a total of 325 ft.), pumps, well points, welding machines (2-5), winches, 4 small electric drill winches	7.25	.30	.40		.02	
Class IV: Heaters (mechanical), others	6.30	.30	.40		.02	
<b>Building, heavy and highway:</b>						
<b>Truckdrivers:</b>						
4-wheel trucks	5.00	a7.00	a8.00	.20		
6-wheel trucks	5.15	a7.00	a8.00	.20		
10-wheel and semidump trucks	5.35	a7.00	a8.00	.20		
Carryalls and lowboys	5.35	a7.00	a8.00	.20		
Winch trucks	5.35	a7.00	a8.00	.20		
<b>Ready-mix trucks:</b>						
3 cu. yd. and under	5.15	a7.00	a8.00	.20		
Over 3 cu. yd. and including 4½ yd.	5.30	a7.00	a8.00	.20		
Over 4½ yd. to and including 6 yd.	5.40	a7.00	a8.00	.20		
Over 6 yd.	5.60	a7.00	a8.00	.20		
Dumpsters, track trucks, Euclids, hug bottoms, Tournatrailers or Tournapulls when pulling other than self-loading equipment:						
Under 16 cu. yd.	5.35	a7.00	a8.00	.20		
16 cu. yd. and over	5.50	a7.00	a8.00	.20		
<b>Oil distributors:</b>						
1-man operation	5.50	a7.00	a8.00	.20		
2-man operation	5.15	a7.00	a8.00	.20		
<b>Service trucks:</b>						
Service trucks, heavy duty	5.00	a7.00	a8.00	.20		
Tandem and semitrailer trucks	5.15	a7.00	a8.00	.20		
Forklifts and hoisters	5.15	a7.00	a8.00	.20		
Pavement breakers	5.15	a7.00	a8.00	.20		
Air compressors and welding machines including those pulled by cars, pickup trucks and tractors	5.00	a7.00	a8.00	.20		
A-frame trucks when used for transportation purposes	5.15	a7.00	a8.00	.20		
Batch trucks	5.30	a7.00	a8.00	.20		
Pole trailers	5.15	a7.00	a8.00	.20		
Teamsters	5.00	a7.00	a8.00	.20		
Helpers	5.00	a7.00	a8.00	.20		
Warehouseman	5.00	a7.00	a8.00	.20		
Hoppermen	5.00	a7.00	a8.00	.20		
Skipmen	5.00	a7.00	a8.00	.20		
Unskilled dumpmen	5.00	a7.00	a8.00	.20		
Tank trucks over 400 gal. capacity	5.00	a7.00	a8.00	.20		
Tri-axle dumps	5.35	a7.00	a8.00	.20		
Fuel tank trucks (over 400 gal. capacity)	5.50	a7.00	a8.00	.20		
A-frame truck	5.35	a7.00	a8.00	.20		
<b>Footnote:</b>						
a. Per week per employee.						
<b>Dipper and hydraulic dredging:</b>						
Chief engineer	7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b3.00	.25	a		
Scowman—Chicago and South Chicago	6.425	b3.00	.25	a		
Scowman—other ports	6.40375	b3.00	.25	a		
Pipeline men	6.40375	b3.00	.25	a		
Cranemen—dipper dredging	7.17125	.25	.15	a		
Spill barge operator—hydraulic dredging	7.17125	.25	.15	a		
<b>Drill boats:</b>						
Engineers	7.1575	.25	.15	c		
Blasters	7.2675	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers and helpers	6.73875	.25	.15	c		
Tug engineers and operators	6.94125		.40	a		
<b>Tug firemen, linemen, and oilers:</b>						
Chicago and South Chicago (Michigan City, Ind. to Waukegan, Ill. both included)	6.54	b3.00	.40	a		
All other ports	6.505	b3.00	.25	a		
<b>Floating equipment (clamshell dragline and marine construction):</b>						
Engineer and operator	8.55f			d&e		
Equipment operator	7.86f			d&e		
Firemen	7.47f			d&e		
Oilers	7.18f			d&e		
<b>Engineer helpers, rangersmen, rodmen sweepers:</b>						
Engineer helpers, rangersmen, rodmen or sweepmen	5.10	b3.00		a		
Service truckdrivers	4.73	b3.00		a		
<b>Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.</b>						
<b>Footnotes:</b>						
a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in 1 calendar year. Employee not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.						
b. Per day, per employee.						
c. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each additional 21½ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.						
d. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day.						
e. 1½ day vacation for each full 12 days employment in 1 calendar year.						
f. Plus \$0.50 in fringe benefits.						

## SUPERSEDES DECISIONS—Continued

State: Kentucky; county: Fayette.

Decision No.: AM-9694; date: Apr. 28, 1972. Supersedes Decision No. AM-479, dated Aug. 20, 1971, in 36 F.R. 16432.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>24-Kentucky-0:</b>						
Building construction:						
Asbestos workers	\$7.50	\$0.25	\$0.20			
Boilermakers	7.95	.30	.60		\$0.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	6.70	.15	.10			
Stonemasons	6.70	.15	.10			
Carpenters:						
Carpenters	6.85	.30	.30		.02	
Millwrights and piledrivers	7.35	.30	.30		.02	
Cement masons	7.05					
Electricians:						
Electricians	7.90	.35	1%	\$0.30	1/4%	
Linemen	7.90	.35	1%	.30	1/4%	
Elevator constructors	8.03	.195	\$0.20	2%+a&b	\$0.005	
Elevator constructors' helpers (probationary)	70% J R	.195	.20	2%+a&b	.005	
Glaziers	60% J R					
Glaziers	\$6.00					
Ironworkers:						
Structural	7.75	.40	.65		.04	
Ornamental	7.75	.40	.65		.04	
Reinforcing	7.75	.40	.65		.04	
Leadburners	6.90	.30		c	.01	
Lathers	4.55		.10			
Marble setters	6.75			\$0.25		
Painters:						
Brush	5.97					
Hazardous	6.72					
Spray	6.47					
Plasterers	6.50					
Plumbers and steamfitters	7.95	.25	.35	d	.02	
Sheet metal workers	6.50	.30	.30		.02	
Soft-floor layers	6.85	.30	.30		.02	
Sprinkler fitters	8.20	.25	.40		.05	
Terrazzo workers	6.75			\$0.25		
Terrazzo workers' helpers	4.40					
Tile setters	6.75			.25		
Tile setters' helpers	4.40					
Roofers	4.15					
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. 6 paid holidays: A through F.						
b. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.						
c. 9 paid holidays: A through F plus Washington's Birthday, Christmas Eve, and Good Friday, 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.						
d. Employee on payroll November 24 through December 23 will receive 1 paid holiday—Christmas Eve.						
<b>Kentucky-1-PEO-G:</b>						
Building and heavy construction: Power equipment operators:						
Class A operators: Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engine, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel-tractor, shovel-truck crane, well points, winch truck, push dozer, grout pump, high lift, forklift (regardless of lift height), all types of boom cats, multiple operation, core drill, tow or push boat, A-frame winch truck, concrete paver, Gradall, hoist, hyster, material pump, Pumpcrete, Ross carrier, sheepfoot, side boom, tail boom, throttle valve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), Hydrocrane, tugger, backfiller, gurrie, subgrader, electric vibrator compactor						
	6.65	.25	.25			
Class B operators: All air compressors (200 c.f.m. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, Flex-plane, firemen, boom type tamping machine, self-propelled drill, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper Whirley oiler, air track drill, Ingersoll-Rand track drill, self-propelled compactor, Tractair and road widening trencher						
	5.50	.25	.25			
Class C operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 h.p.) vibrator, oiler, air compressor (under 200 c.f.m., capacity), concrete saw, burlap and curing machine, Hydro-seeder, power form handling equipment, deckhand oiler and hydraulic boatdriver						
	5.10	.25	.25			
<b>24-Ky-TD:</b>						
Building construction: Truckdrivers:						
3 tons and under	4.64					
Over 3 tons	5.04					
Semitrailer, or pole trailers (pulling building material or equipment)	5.04					
Dump truck, tandem axle	5.04					
Euclid and other heavy earth-moving equipment and lowboy	5.04					
Winch trucks and A-frames (when used to transport building materials)	5.04					
Mechanics	4.97					
Helpers	4.69					
Greasers, tire changer and mechanics' helpers	4.69					
Distributors	5.04					
Pavement breakers	5.04					
Mixer trucks (all types)	5.04					

NOTICES

8637

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>24-Kentucky-Lab-F:</b> Building construction: Laborers: Toolroom checkers, carpenters, tenders, landscapers, roofers, helpers, sheeting and shoring, construction laborers.....	3.80	.15	.15			
Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipelayers, all storm sewers, sanitary sewers, signalmen, asphalt men, rakers, batchmen, plant scalemen, form setters (street or highway), hand spiker.....	4.00	.15	.15			
Gunnite nozzle men.....	4.20	.15	.15			
Gunnite nozzle machine operator.....	4.40	.15	.15			
Powderman and blasters.....	4.40	.15	.15			
Powder helpers.....	4.20	.15	.15			
Tunnels and cofferdams.....	4.30	.15	.15			
Caisson holes (6 ft. and over including tools).....	5.00	.15	.15			
Sandhogs (free air).....	4.30	.15	.15			
Sandhogs (pressure air).....	5.00	.15	.15			
Miners, tunnel or cofferdam.....	4.40	.15	.15			
Hod carriers (motor), mortar mixers and buggy operators.....	4.15	.15	.15			
<b>Ky.-Zone 3-A:</b> Heavy and highway construction: Carpenters.....	5.21	.15	.15			
Cementmasons.....	5.94	.20				
Electricians.....	6.82	.16	1%+.16	.495	1%	
Ironworkers: Structural and reinforcing.....	6.75	.225	\$0.35			
Painters, brush.....	5.53	.15	.15			
Piledrivermen.....	5.46	.15	.15			
<b>Kentucky 1-TD:</b> Heavy and highway construction: Truck drivers: Drivers (3 tons and under), greaser, tire changer and mechanics' helper.....	4.59	.15	a6.00			
Driver (over 3 tons), distributions, dump truck tandem axle, semitrailer or pole trailer (when used to pull building material or equipment).....	4.70	.15	a6.00			
Driver, Euclid and other heavy earth-moving equipment, lowboy, forklift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials).....	4.87	.15	a6.00			
Driver, mixer trucks (all types), truck mechanic.....	4.77	.15	a6.00			
Truck helper.....	4.47	.15	a6.00			
<b>Footnote:</b> a. Per week per employee when employed a minimum of 20 workdays within any 90-day consecutive period.						
<b>Ky.-3-Lab:</b> Heavy and highway construction: Laborers: Aging and curing of concrete, grade checkers, guardrail and fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers.....	4.08	.15	.15			
Air track drillers, asphalt lute and raker men.....	4.35	.15	.15			
Caisson workers.....	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air).....	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air).....	4.58	.15	.15			
Hand blade operators, batch truck dumpers, riprap and grouters.....	4.18	.15	.15			
Operator and deck hand scowmen, power-driven tools, wagon drills, jackhammers, chain saws, concrete saws, sewer pipelayers (all storm sewers), bottommen, dry-cement handlers, concrete rubber, mason tenders, concrete green cutting, sandblasting, concrete chippers, vibrator operators, power wheelbarrow or buggies.....	4.18	.15	.15			
Powdermen, blasters and side rail setters.....	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers.....	5.08	.15	.15			
<b>Kentucky-2-PEO-J</b> Highway construction: Power equipment operators: Class A operators: Auto patrol, batch plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over) concrete pump, crane, crusher plant derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), searifier, shovel tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, forklift (regardless of lift height), all types of boom cats, multiple operation core drill, tow or push boat, A-frame winch truck, concrete paver, Gradall, hoist, hyster, material pump, Pumperete, Ross carrier, side boom, tail boom, throttle valve man, rotary drill (5 in. and over), power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), Hydrocrane, tugger, backfiller, gurrries, subgrader, electric vibrator compactor.....	5.43	.15	a6.00			
Class B operators: All air compressors (200 c.f.m. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motorboat, Flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, Tractair and road widening trencher, joint sealing machine, rotary drill (under 5 in.).....	4.68	.15	a6.00			
Class C operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 h.p.), concrete saw, bur-lap and curing machine, Hydro-seeder, power form handling equipment, deckhand oiler and hydraulic-post driver, vibrator, oiler, air compressor (under 200 c.f.m. capacity).....	4.33	.15	a6.00			
<b>Footnote:</b> a. Per week, per employee.						

State: Louisiana; parishes: Caddo and Bossier.

Decision No.: AM-11,417; date: Apr. 28, 1972. Supercedes Decision No. AM-3,627, dated Aug. 25, 1971, in 36 F.R. 16738.

Description of work: Building construction (excluding 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>12-La.-1-2-y:</b> Asbestos workers.....	\$6.925	\$0.15	\$0.175		\$0.025	
Boilermakers.....	6.50	.30	.40		.01	
Bricklayers.....	6.90					
<b>Carpenters:</b> Carpenters; soft-floor layers, linoleum.....	5.90		.10		.03	
Piledrivers.....	6.15		.10		.03	
Millwrights.....	6.40		.10		.03	
<b>Cementmasons:</b> Cementmasons.....	5.55					
Troweling machine operators.....	5.80					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>12-La.-1-2-y :</b>						
Electricians:						
Cable splicers.....	6.90	.25	1%		.004%	
Electricians.....	6.40	.25	1%		.004%	
Elevator constructors:	5.65	.17	.185	2%+a+b		
Elevator constructors' helpers:	5.65	.17	.185	2%+a+b		
Elevator constructors' helpers (probationary):	5.65	.17	.185	2%+a+b		
Glaziers.....	70%JR					
Ironworkers:	50%JR					
Structural; ornamental.....	\$5.40					
Reinforcing.....	6.05	.20	.25		\$0.04	
Sheeters.....	6.05	.20	.25		.04	
Sheeters.....	6.05	.20	.25		.04	
Laborers:						
Laborers.....	3.60	.10	.10			
Mason tenders; plasterers' tenders; asphalt rakers and smoothers.....	3.70	.10	.10			
Mortar mixers.....	3.75	.10	.10			
Pipelayers (concrete and clay); air jack vibrator operator.....	3.80	.10	.10			
Lathers.....	5.675				.01	
Marble setters.....	5.50					
Marble setters' helpers.....	3.00					
Painters:						
Painters, tape and float and paperhangers; stage, window jacks and structural steel.....	5.25					
Stage, window jacks and structural steel:						
Heights exceeding 30 ft.....	5.50					
Heights exceeding 75 ft.....	5.75					
Sandblasting.....	5.85					
Spray.....	5.85					
Plasterers.....	5.55				.125	
Plumbers, pipefitters.....	6.51		.30	\$0.55	.06	
Roofers:						
Roofers.....	4.90				.01	
Helpers.....	2.80				.01	
Kettleman.....	3.17				.01	
Sheet metal workers.....	6.22	.30	.25		.05	
Sprinkler fitters.....	7.30	.25	.40		.05	
Stonemasons.....	6.90					
Tile setters and terrazzo workers.....	5.50					
Terrazzo workers' helpers.....	3.30					
Terrazzo machine operator.....	3.65					
Truckdrivers:						
1/2 to 1 ton trucks; and mechanic helper; truck helper, spotter and dumpers of dirt, gravel, asphalt and rock, material checkers and warehouseman.....	4.02					
Stake bodies, flatbeds 1 1/2 tons to 3 tons.....	4.10					
Single-axle dump and batch and water trucks, 1 1/2 to 3 tons, transit mix up to 6 yards.....	4.35					
Mechanic.....	4.40					
Tandem-axle dump, batch and water trucks over 3 tons, pickups with trailer.....	4.60					
Mississippi wagons, floats, tractor trailers, rubber tired tractors and wobble wheels.....	4.65					
Euclids, lowboys, Dempsey dumpsters, Koehring-dumps, 5-axle trucks, transit mix over 6 yd., fuel truck.....	4.85					
Master mechanic, forklift.....	5.20					

Footnotes:  
 a. 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rate.  
 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.

**La.-3-PEO-1-L:**

Classification	Basic hourly rates	H & W	Pensions	Vacation	App. Tr.	Other
<b>Power equipment operators:</b>						
Heavy duty operators: Asphalt spreader; backhoe; bulldozer, over D-4 and equivalent; cableways; concrete mixer, over 16-S; cranes; derricks; ditching or trenching machines; draglines; forklifts (setting steel, machinery or pipe); front-end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more; hoist, 2 drums and over; Hydro-lifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6 in. and over); road pavers; rollers on asphalt or brick; Scoopmobiles; scrapers; sideboom cats; shovels; Tractorvators; welder, journeyman; well-point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe).....	6.35	.10	.15			
<b>Light duty operators:</b>						
Air compressor; asphalt plant operator; bulldozers, D-4 and equivalent and under; bull-floats; concrete spreader; finishing machines; concrete mixer (16-S or less); concrete saw; distributors (bituminous surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; forklifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; Kolum buff machine; pull cats; pump (3 in. and over); pump, concrete (under 6 in.); rollers, except on asphalt or brick; straddle buggies; sweepers on streets and roads (motorized); winch truck, A-frame (other than handling steel or pipe).....	5.46	.10	.15			
Scaleman.....	5.25	.10	.15			
Oiler-driver.....	5.21	.10	.15			
Mechanic helper.....	4.99	.10	.15			
Oiler.....	4.79	.10	.15			

State: Michigan; counties: Genesee, Macomb, Monroe, Oakland, Washtenaw, and Wayne.  
 Decision No.: AM-8,603; date: Apr. 28, 1972. Supersedes Decision No. AM-305, dated Aug. 8, 1971, 36 F.R. 15883.  
 Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Carpenters:</b>						
Macomb, Oakland and Wayne Counties.....	\$8.06	\$0.60	7%	8%	\$0.02	
Genesee and Washtenaw Counties.....	7.28	.35	\$0.40		.01	
<b>Cement finishers; cementmason:</b>						
Cement finishers.....	6.76	.30	.10			
<b>Laborers:</b>						
Line form setter for curb or pavement.....	6.55	.30	.20	\$0.40		
Pipelayers.....	6.33	.30	.20	.40		
Asphalt raker.....	6.20	.30	.20	.40		
Asphalt tamper and asphalt raker's helper.....	6.01	.30	.20	.40		
Finishers' tenders, guardfence builders, bottomman, powderman, wagon drill laborer, curb and sidewalk setters helper, air truck operator, diamond and core drills, tunnel miner (highway work only).....	6.12	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), power chain saw operator, concrete puddlers, paving batch truck dumpers, concrete saw (under 20 h.p.).....	6.01	.30	.20	.40		
Cement handler or dockmen, topmen, asphalt dust handlers.....	5.95	.30	.20	.30		
Mason's or bricklayer's tender on manholes, headwalls, etc.....	5.92	.30	.20	.40		

NOTICES

8639

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers—Continued</b>						
Asphalt shovelers or loaders asphalt plant (miscellaneous), axe men, batch bin (no power burlap men, carpenters' helpers, subgrade labor (handtools), yardmen, guardfence builders' helpers, dumpers (wagon, truck, etc.) jetting laborer, joint filling laborer (miscellaneous), unskilled laborer, powdermonkey (helper), sprinkler labor, form setting laborer, grade checker, pavement reinforcing handling and placing, asphalt screed checker, tunnel mucker (highway work only).....	5.92	.30	.20	.40		
<b>Operating engineers:</b>						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piling operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), Autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid-type), end-loader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt) mechanic, pump operator (6 in. discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/4 yd. bucket), side boom tractor (D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled), batch plant (concrete), slurry machine (asphalt).....	7.32	.40	.45		.02	
Screening plants, washing plants, crushers, backhoes (with 3/4 yd. bucket or less), side boom tractor (smaller than D-R type or equivalent).....	7.07	.40	.45		.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm-type with attachment).....	6.57	.40	.45		.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), Flexplanes, Cleftplanes, graders self-propelled fine-grade of form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 j.p. or over), power bins plant driers (asphalt), vibratory compaction equipment (6 ft. wide or over), guardpost drivers (power driven) all mulching equipment, stump remover.....	6.42	.40	.45		.02	
<b>Teamsters:</b>						
Truckdrivers.....	6.64	a\$14.50	a\$12.00	.15		
Truckdrivers (8 cu. yd. capacity or over).....	6.74	a\$14.50	a\$12.00	.15		
Drivers, Euclid type equipment.....	6.89	a\$14.50	a\$12.00	.15		
<b>Footnotes:</b>						
a. Per week per employee.....						
<b>Sign installers:</b>						
Sign installer, class A.....	4.42					
Sign installers, class B.....	3.60					
<b>Line construction:</b>						
Macomb and Wayne Counties; Oakland County (excluding township of Holly); Monroe County; townships of Milan, London, Exeter, Ash, Berlin, Frenchtown, Monroe, Raisinville, Ida, Summerfield, and Dundee; Washtenaw County; townships of Dexter, Webster, Northfield, Salem, Superior, Ann Harbor, Scio, Lima, Freedom, Lodi, Pittsfield, Ypsilanti, Augusta, York, Saline and Bridgewater:						
Linemen.....	8.66	.48	1%+2%+4%	10%	1/4 of 1%	
Cable splicer.....	9.04	.48	1%+2%+4%	10%	1/4 of 1%	
Combination equipment operator and groundmen.....	7.04	.48		10%	1/4 of 1%	
Combination driver and groundmen.....	6.66	.48		10%	1/4 of 1%	
Groundmen.....	6.15	.48		10%	1/4 of 1%	
Oakland County: Holly Township; Monroe County: townships of Bedford, Erie, La Salle, and Whiteford; Washtenaw County; townships of Lyndon, Manchester, Sharon, and Sylvan and Genesee County:						
Linemen.....	6.57	.15	1%		1/4 of 1%	
Combination digger operator or tractor operator—groundman.....	5.16	.15	1%		1/4 of 1%	
Combination winch truckdriver—groundmen:						
1st year.....	3.82	.15	1%		1/4 of 1%	
2d year.....	4.35	.15	1%		1/4 of 1%	
Combination truckdriver groundmen.....	3.71	.15	1%		1/4 of 1%	
Cable splicer.....	6.83	.15	1%		1/4 of 1%	

State: Michigan; counties: Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Sanilac, Shiawassee, St. Clair, St. Joseph, Tuscola, and Van Buren.  
 Decision No. AM-8,604; date: Apr. 28, 1972. Supersedeas Decision No. AM-396, dated Aug. 18, 1971, 36 F.R. 15885.  
 Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Teamsters (A, B, E):</b>						
Truckdrivers.....	\$6.54	a\$14.50	a\$12.00	\$0.15		
Truckdrivers (8 cu. yd. capacity or over).....	6.64	a\$14.50	a\$12.00	.15		
Drivers, Euclid type equipment.....	6.69	a\$14.50	a\$12.00	.15		
<b>Teamsters (Lapeer, Lenawee, Livingston, and St. Clair Counties):</b>						
Truckdrivers (less than 8 cu. yd.).....	6.64	a\$14.50	a\$12.00	.15		
8 cu. yd. and over.....	6.74	a\$14.50	a\$12.00	.15		
Euclid type equipment.....	6.89	a\$14.50	a\$12.00	.15		
<b>Cementmasons (C, D):</b>						
Cementmasons (Livingston, Ingham, St. Clair, Ionia, Kent, and Saginaw Counties).....	6.76	.30	.10			
Cementmasons (remainder of counties).....	6.76	.30	.10			
<b>Operating engineers (F, G, H):</b>						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piling operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type) slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), end-loader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump operator (6 in. discharge or over, gas, diesel-powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/4 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled), batch plant (concrete) slurry machine (asphalt).....	7.23	.40	.45		\$0.02	
Screening plants, washing plants, crushers, backhoe (with 3/4 yd. bucket or less), side boom tractor (smaller than D-R type or equivalent).....	6.94	.40	.45		.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more, less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachment).....	6.44	.40	.45		.02	
Boiler firemen, oiler, firemen, mechanics helper, trencher (service), Flexplanes, Cleftplanes, graders self-propelled fine-grade form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment (self-propelled) concrete saws (40 j.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6 ft. wide or over), guardpost drivers (power driven), all mulching equipment, stump remover.....	6.16	.40	.45		.02	

## SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers (C, D):</b>						
Line form setter for curb or pavement.....	6.03	.30	.20	.40		
Pipelayers.....	5.80	.30	.20	.40		
Cement handler or dockmen, topmen, asphalt dust handlers.....	5.42	.30	.20	.40		
Asphalt raker.....	5.89	.30	.20	.40		
Asphalt tamber and asphalt rakers' helpers.....	5.70	.30	.20	.40		
Finishers tenders, guardfence builders, bottommen powderman, wagon drill labor, curb and sidewalk setters' helpers, air track operator diamond and core drills, tunnel miner (highway work only).....	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.) power chain saw operator, spreader boxman (asphalt, stone gravel, etc.) concrete padder, power chain saw operator, paving batch truck dumper, concrete saw (under 20 h.p.).....	5.48	.30	.20	.40		
Masons' or bricklayers' tender on manhole, headwalls etc., asphalt shovelers or loaders, asphalt plant (miscellaneous), axe man, batch bin (no power), burlap men, carpenters' helpers, subgrade labor (hand tools), guardfence builders' helpers, dumpers (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powder-monkey (helper), sprinkler labor, form setting labor, grade checker pavement reinforcing handling and placing, asphalt screed checker tunnel mucker (highway work only).....	5.34	.30	.20	.40		
<b>Sign installers:</b>						
Sign installer, class A.....	3.99	.20	.20	.20		
Sign installer, class B.....	3.22	.30	.20	.20		
<b>Line construction:</b>						
Huron, Lapeer, Lenawee, Sanilac, St. Clair, and Tuscola Counties; Ingham Co.: Townships of Le Roy, Locke, Wheatfield, White Oak, and Willamston; Livingston County (entire county except townships of Cohoctah, Derrfield, Tyrone, and Unadilla):						
Linemen.....	8.66	.48	3.4%	.1%	.25%	
Cable splicer.....	9.04	.48	3.4%	.1%	.25%	
Combination equipment operator and groundmen.....	7.04	.48	3.4%	.1%	.25%	
Combination driver and groundmen.....	6.66	.48	3.4%	.1%	.25%	
Groundmen.....	6.15	.48	3.4%	.1%	.25%	
Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Ionia, Jackson, Kalamazoo, Kent, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Shiawassee, St. Joseph, and Van Buren Counties; Livingston County: townships of Cohoctah, Deerfield, Tyrone, and Unadilla; Ingham County (entire county except townships of Le Roy, Locke, Wheatfield, Oak, and Willamston):						
Linemen.....	6.57	.15	1%		¼ of 1%	
Combination digger operator—or tractor operator—groundmen.....	5.16	.15	1%		¼ of 1%	
Combination winch truckdriver—groundmen:						
1st year.....	3.82	.15	1%		¼ of 1%	
2d year.....	4.35	.15	1%		¼ of 1%	
Combination truckdriver groundmen.....	3.71	.15	1%		¼ of 1%	
Cable splicer.....	6.83	.15	1%		¼ of 1%	
<b>Footnotes:</b>						
a. \$14 per week per employee.						
<b>Carpenters:</b>						
Allegan, Barry, Berrien (except townships of New Buffalo, Chickaming, and Three Oaks); Branch, Calhoun, Cass, Eaton (townships of Vermontville, Kalama, Bellevue, and Walton); Hillsdale, Ionia (except townships of Orange, Portland, Sevewa, and Danby); Kalamazoo, Kent, Livingston (townships of Deerfield, Tyrone, Osceola, Hartland, Genoa, and Brighton); Montcalm, Muskegon, Ottawa, St. Joseph and Van Buren Counties.....	7.15	.35	\$0.40		\$0.01	
Bay, Clinton, Eaton (except the townships of Vermontville, Kalama, Bellevue, and Walton); Gratiot, Huron, Ingham, Ionia (townships of Orange, Portland, Sebewa, and Danby); Jackson, Lapeer, Lenawee, Midland, Saginaw, Sanilac (the part of county west of a line projected north and continuing the East Lapeer and West St. Clair County line to the south Huron County line); Shiawassee, and Tuscola Counties.....	7.28	.35	.40		.01	
Livingston (Deerfield, Tyrone, Osceola, Hartland, Genoa and Brighton Townships); Sanilac (the part of county east of a line projected north and continuing the East Lapeer and West St. Clair County line to the South Huron County line); and St. Clair Counties.....	8.06	.60	7%	8%	.02	
Berrien (Chickaming, New Buffalo, and Three Oaks Townships) County.....	8.66	.40	\$0.40		.02	

State: Michigan: counties: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Westford.  
Decision No.: AM-8,605; date: Apr. 28, 1972. Supersedes Decision No. AM-397, dated Aug. 18, 1971, 36 F.R. 15888.  
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Teamsters:</b>						
Truckdrivers.....	\$6.48	a	b	\$0.15		
Truckdrivers (8 cu. yds. capacity or over).....	6.58	a	b	.15		
Drivers, Euclid type equipment.....	6.73	a	b	.15		
Cement finishers: Cementmasons.....	6.44	\$0.30	\$0.10			
<b>Operating engineers:</b>						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piledriving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), Autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump operator (6 in. discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over ¾ yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine, asphalt-propelled), batch plant (concrete), slurry machine (asphalt).....	7.14	.40	.45		\$0.02	
Screening plants, washing plants, crushers, backhoes (with ¾ yd. bucket or less), side boom tractor (smaller than D-R type or equivalent).....	6.94	.40	.45		.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm-type with attachments).....	6.39	.40	.45		.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), Flexplanes, Cleftplanes, graders, self-propelled line-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity) rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 h.p. or over) power bins, plant driers (asphalt), vibratory compaction, equipment (6 in. wide or over), guardpost drivers (power driven), all mulching equipment, stump remover.....	6.14	.40	.45		.02	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers (C, D):</b>						
Line form setter for curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt rakers' helpers	5.47	.30	.20	.40		
Finishers' tenders, guardfence builders, bottomman, powderman, wagon drill labor curb and side rail setters' helper, air track operator, diamond and core drills, tunnel miner (highway work only)	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.) power chain saws spreader boxmen (asphalt stone, gravel, etc.), concrete paddlers, paving batch truck dumpers, concrete saw (under 20 h.p.)	5.12	.30	.20	.40		
Cement handler or dockmen, topmen, asphalt dust handlers	5.02	.30	.20	.40		
Mason or bricklayers' tender on manholes, headwalls, etc.	4.97	.30	.20	.40		
Asphalt shovelers or loaders asphalt plant (miscellaneous) axe men, batch bin (no power), burlap men, carpenters' helpers, subgrade labor (hand tools), yardmen, guardfence builders' helpers, dumpers (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powdermonkey (helper), sprinkler labor, form setting labor, grade checker pavement reinforcing handling and placing asphalt screed checker, tunnel mucker (highway work only)	4.97	.30	.20	.40		
<b>Footnotes:</b>						
a. \$14.80 per week, per employee.						
b. \$12.00 per week, per employee.						
<b>Michigan 3-Highway:</b>						
<b>Carpenters:</b>						
Alcona, Alpena, Antrim, Benzie (except Crystal Lake, Gilliam, Blaine, Joyfield, Weldon, and Colfax), Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Missaukee, Montmorency, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Counties	7.04	.35	.40		.01	
Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonogan, and Schoolcraft Counties	6.99	.35	.40		.01	
Arenac, Clare, Gladwin, Iosco, Isabella, and Ogemaw Counties	7.28	.35	.40		.01	
Benzie (Crystal Lake, Gillman, Blaine, Joyfield, Weldon, Colfax), Newaygo, and Oceana Counties	7.15	.35	.40		.01	
<b>Michigan Hwy. 3-E:</b>						
Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montmorency						
<b>Sign installers:</b>						
Sign installers, class A	3.99					
Sign installers, class B	3.22					
<b>Line construction:</b>						
<b>Chippewa, Luce, Mackinac, and Schoolcraft Counties:</b>						
Linemen	5.82	.15	1%		1/4 of 1%	
Combination digger operator or tractor operator groundmen	4.57	.15	1%		1/4 of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.39	.15	1%		1/4 of 1%	
Over 1 year	3.85	.15	1%		1/4 of 1%	
Combination truckdriver—groundman	3.28	.15	1%		1/4 of 1%	
Groundmen	3.28	.15	1%		1/4 of 1%	
Nonclimbing linemen	4.66	.15	1%		1/4 of 1%	
<b>Alger, Baraga, Dickinson, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonogan, and Isle Royale Counties:</b>						
Linemen	5.40	.15	1%		1/4 of 1%	
Combination digger operator—groundmen, combination tractor operator—groundmen	4.24	.15	1%		1/4 of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.14	.15	1%		1/4 of 1%	
2d year	3.57	.15	1%		1/4 of 1%	
Combination truckdriver—groundman	3.04	.15	1%		1/4 of 1%	
Groundmen	3.04	.15	1%		1/4 of 1%	
Nonclimbing linemen	4.32	.15	1%		1/4 of 1%	
Cable splicers	5.61	.15	1%		1/4 of 1%	
Distribution line truckdriver, operator, groundmen	3.73	.15	1%		1/4 of 1%	
<b>Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Rosecommon and Wexford Counties:</b>						
Linemen	5.82	.15	1%		1/4 of 1%	
Combination digger operator, or tractor operator—groundmen	4.57	.15	1%		1/4 of 1%	
Combination winch truck driver—groundmen:						
1st year	3.39	.15	1%		1/4 of 1%	
2d year	3.85	.15	1%		1/4 of 1%	
Combination truckdriver—groundmen	3.28	.15	1%		1/4 of 1%	
Cable splicer	6.05	.15	1%		1/4 of 1%	
Linemen (nonclimbing)	4.66	.15	1%		1/4 of 1%	
<b>Gogebic County:</b>						
Linemen	5.50	3%	1%	6%		
Equipment operator	4.50	3%	1%	6%		
Combination groundmen and driver with winch	4.00	3%	1%	6%		
Combination groundmen and driver without winch	3.75	3%	1%	6%		
Groundmen	3.50	3%	1%	6%		
<b>Delta County:</b>						
Linemen	5.40	\$0.15	1%		1/4 of 1%	
Cable splicer	5.61	.15	1%		1/4 of 1%	
Combination digger operator—groundmen and combination tractor operator—groundmen	4.24	.15	1%		1/4 of 1%	
Combination truckdriver—groundmen or groundmen	3.04	.15	1%		1/4 of 1%	
Combination winch truckdriver groundmen:						
1st year	3.14	.15	1%		1/4 of 1%	
Over 1 year	3.57	.15	1%		1/4 of 1%	

## SUPERSEDED DECISIONS—Continued

States: Missouri and Kansas; counties: Cass, Clay, Jackson, Platte, and Ray, Mo.; Johnson and Wyandotte, Kans.  
Decision No.: AM-6,724; date: Apr. 28, 1972. Supersedes Decision No. AM-3,616, dated Aug. 25, 1971, in 36 F.R. 16863.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>10-Missouri-1-c:</b>						
Building construction:						
Cass, Clay, Jackson, Platte, and Ray Counties, Mo.:						
Roofers' helpers:						
1st 6 months	\$4.56	\$0.18	\$0.40		\$0.04	
2d 6 months	4.88	.18	.40		.04	
3d 6 months	5.21	.18	.40		.04	
4th 6 months	5.53	.18	.40		.04	
5th 6 months	5.86	.18	.40		.04	
Truckdrivers:						
Flatbed, pickup, and dump—under 10 yd.	4.225					
Dump—10 yd. and over	4.30					
Heavy and highway construction:						
Cement masons (excluding Cass County)	8.905	.20	.45	\$0.50	.05	
Carpenters (Cass County only)	6.92	.23	.15			
Building construction:						
Cass, Clay, Jackson, Platte, and Ray Counties, Mo.:						
Asbestos workers	7.95	.30	.30		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers	6.475	.20	.15			
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
Carpenters (Cass County, Mo.):						
Carpenters	7.30	.23	.15		.04	
Millwrights; piledrivermen	7.55	.23	.15		.04	
Cementmasons:						
Cementmasons	6.025	.10	.15			
Composition	6.275	.10	.15			
Electricians:						
Western half of Clay and Jackson Counties not including Blue Springs; northern half of Platte County; northwestern portion of Cass County not including Pleasant Hill:						
Electricians (except residential)	7.95	.15	1%+ .20	.70	.03	
Electricians (residential)	6.29	.15	1%+ .20	.70	.03	
Remainder of Clay, Jackson, Platte, and Cass Counties:						
Electricians (contracts over \$5,000 except residential)	7.95	.15	1%+ .20	.70	.03	
Electricians (contracts under \$5,000 except residential)	7.45	.15	1%+ .20	.70	.03	
Electricians (residential)	5.69	.15	1%+ .20	.70	.03	
Ray County:						
Electricians (contracts over \$5,000 except residential)	7.95	.15	1%+ .20	.70	.03	
Electricians (contracts under \$5,000 except residential)	6.90	.15	1%+ .20	.70	.03	
Electricians (residential)	5.69	.15	1%+ .20	.70	.03	
Elevator constructors	7.29	.175	\$0.20	2%+a+b		
Elevator constructors' helpers	70%	.175	.20	2%+a+b		
Elevator constructors' helpers (probationary)	50%					
Glaziers	\$7.41	.35	.20	7%+d	.01	
Ironworkers:						
Structural; ornamental; riggers	8.50	.25	.25	\$0.25	.05	
Reinforcing	8.50	.25	.25	.25	.05	
Lathers	6.75	.20				
Marble, Terrazzo, and tile workers	8.675	3.65%	3.25%			
Marble and tile helpers	6.68					
Terrazzo helpers	4.55					
Terrazzo base machine grinders	4.90					
Painters:						
Painters, brush	7.52	\$0.20	\$0.20			
Paperhangers	8.02	.20	.20			
Bridges	8.27	.20	.20			
Structural steel (exterior)	8.27	.20	.20			
All interior surfaces over 27 ft. from the floor including structural steel	8.27	.20	.20			
All exterior work performed on swing stages, window jacks or with belts (over 7 ft. above ground level)	8.27	.20	.20			
Storage bins and storage tanks (over 7 ft. above ground level)	8.27	.20	.20			
All work performed by air, steam aggregate and/or sandblasting	8.27	.20	.20			
Structural steel, exterior over 75 ft. in height	8.52	.20	.20			
All work in elevator shafts above 27 ft.	8.27	.20	.20			
Tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
Plasterers	6.90	.20				
Pipefitters	8.02	.38	.75		.06	
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.18	.40		.04	
Sheet metal workers	8.225	.25	.25		.05	
Soft-floor layers (not including Cass County, Mo.)	6.59	.275	.25	7%	.05	
Sprinkler fitters	8.485	.25	.40		.05	
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						

## Footnotes:

- 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rates.
  - Paid holidays: A through G.
  - Employees having 1 year continuous service shall receive 1 week vacation with pay and employees having 3 years or more continuous service shall receive 2 weeks vacation with pay.
  - Employers contribution of 3.02 percent for each hour paid plus fringes into the paid holiday trust fund; 7 paid holidays, A through G.
- \* Residential work shall be defined to mean the construction, maintenance and repair of single and multifamily dwellings not exceeding 3 stories in height.
- Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day; G—Friday after Thanksgiving.

SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>10-Missouri-1-c—Continued</b>						
Building construction (Ray County):						
Laborers:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)	5.36	.15	.15			
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.455	.15	.15			
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; plasterer tenders; forklift (up to 9 ft.); hoseman; insulation man	5.555	.15	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers	5.605	.15	.15			
Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hotkettlemen; sandblasting and Gunite nozzlemen; wagon and churn drill operators	5.75	.15	.15			
Missouri-7-LAB-1-a:						
Building construction (Ray County):						
Laborers:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects)	5.20	.15	.15			
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.275	.15	.15			
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; forklift (up to 9 ft.); hoseman; insulation man	5.375	.15	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers	5.45	.15	.15			
Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hotkettlemen; sandblasting and Gunite nozzlemen; wagon and churn drill operators	5.55	.15	.15			
<b>Mo-3-PEO-1-1:</b>						
Building construction (Cass, Clay, Jackson, Platte, and Ray Counties, Mo.):						
Power equipment operators:						
A-frame trucks; boilers (1); brooms—power operated (all types); chips preader (frontman); Cief plane operators; compressor (1) 105 ft. or over; concrete saws, self-propelled; conveyor operator; curb-power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; Flex plane; floating machine; form grader; forklift—all types and sizes; greaser; hoist; hoist, endless chain—power operated; hopper—power operated; Hydra-hammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water—well points); pump (water) rollers (all types); siphons; jets and Jennys; subgrader; tractors over 50 h.p.	6.90	.25	.25		.02	
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; backfillers; backhoe, all types; Barber-Greene loader; blade, power, all types; boats—power; boilers (2); boring machine (all types); cableways; cherry pickers (all types); chip spreaders clamshells; combination concrete hoist and mixer; such as mixers—mobile (with tower, 50¢ per hour additional), compressors (2) 105 ft. or over not more than 30 ft. apart; compressors—tandem (any sizes); compressors—single, truck mounted; concrete ready-mixed plant, portable (jobsite); concrete mixer paver; crane or rigs (all types); crane—overhead; crusher; rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, endless chain—power operated with power travel; loaders—all types; locomotives—all types; mechanic and welder; mucking machine; orangepeels; piledrivers; pumps—material—all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man	7.15	.25	.25		.02	
Crane—tower or climbing	7.65	.25	.25		.02	
Clamshells, crane or rigs, draglines and piledrivers with 80 ft. of boom or over (including jib)	7.40	.25	.25		.02	
Crane or rigs over 200 ft.	7.85	.25	.25		.02	
Hoists—each additional drum over 1 drum	7.15	.25	.25		.02	
Master mechanic	8.15	.25	.25		.02	
Master mechanic—assistant	7.90	.25	.25		.02	
Offier; tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Offier driver—all types	6.60	.25	.25		.02	
Ready-mixed concrete plants:						
Crane operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	
<b>Mo-41-TD-2-3:</b>						
Heavy and highway construction (Cass County, Mo.):						
Truckdrivers:						
Flatbed trucks, single-axle	6.40	.25	.25			
Flatbed trucks, tandem-axle	6.55	.25	.25			
Station wagons	6.40	.25	.25			
Pickup trucks	6.40	.25	.25			
Materials trucks, single-axle	6.40	.25	.25			
Materials trucks, tandem-axle	6.55	.25	.25			
Semitrailer and/or pole trailers	6.62	.25	.25			
Winch trucks, fork trucks and steel trucks	6.62	.25	.25			
Distributor drivers and operators	6.62	.25	.25			
Agitator and transit mix trucks	6.51	.25	.25			
Tank wagon, single-axle	6.40	.25	.25			
Tank wagon, semitrailer	6.62	.25	.25			
Tank wagon, tandem-axle	6.55	.25	.25			
Insley wagons; dumpsters; half-trucks; Speedace; Euclids and other similar equipment	6.62	.25	.25			
A-frame and derrick trucks	6.62	.25	.25			
Warehouseman	6.30	.25	.25			
Floater or lowboy	6.62	.25	.25			
Power equipment operators (Cass County, Mo.):						
Asphalt finishing machine and trench widening spreader; asphalt plant console operator; Autograder; automatic slip-form paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cut with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine—2 active drums; Laughhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; Quad Trac; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	8.30	.40	.25		.05	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator; skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; forklift; greaser—fleet; hoisting engine—1; locomotive operator, narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; roter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 h.p.); welding machine maintenance operator—2; winch truck	8.10	.40	.25		.05	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Mo.-91-TD-2-3—Continued</b>						
<b>Power equipment operators (Cass County, Mo.)—Continued</b>						
Boilers—1; chip spreader (front man); churn drill operator; Clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; Flex plane operator; float operator; form grader operator; generator—maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 h.p. or less); Ulmac, Ulric or similar spreader; vibrating machine operator; welding machine maintenance operator—1.....	7.90	.40	.25		.05	
Oiler.....	7.15	.40	.25		.05	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100 ft. to 200 ft. of boom (including jib); draglines, 3 yd. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over.....	8.55	.40	.25		.05	
Tandem scoop; crane, rigs or piledrivers, 200 ft. of boom or over (including jib).....	8.80	.40	.25		.05	
<b>Mo.-22-LAB-2-3:</b>						
<b>Heavy and highway construction (Cass County, Mo.):</b>						
<b>Laborers:</b>						
General laborer: Carpenter tenders; salamander tenders; dumpman and ticket takers on stockpiles; flagmen; loading trucks under bins, hoppers and conveyors; trackmen and all other general laborers.....	6.45	.40	.40		.10	
First semiskill: Air tool operator; cement handler—bulk or sack; dumpman on earth fill; georgia buggy man; material batch hopper man; scaleman; spreader on asphalt machine; material mixer man (except on manholes); cofferdams; riprap pavers—rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzle man.....	6.60	.40	.40		.10	
Second semiskill: Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipelayer on sewer work; topper of standing trees; batterboard man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working 6 ft. or more below ground; men working in cofferdams for bridge piers and footings in the river.....	6.75	.40	.40		.10	
Third semiskill: Laser beam man; asphalt raker; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortarmen on brick or block manholes; sand blasting and Gunitite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and leadman; screedman on asphalt machine; chain or concrete saw; cliff sealers working from scaffolds, bosuns' chairs or platforms on dams or powerplants over 10 ft. above ground; grade checker on cuts and fills.....	6.95	.40	.40		.10	
Fourth semiskill: Manhole builders—brick or block; dynamite and powdermen; welder.....	7.20	.40	.40		.10	
<b>10-Missouri-LAB-2-3:</b>						
<b>Heavy and highway construction (Clay, Jackson, Platte, and Ray Counties, Mo.):</b>						
<b>Laborers:</b>						
General laborer: Carpenter tenders; salamander tenders; dumpman and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; trackmen and all other general laborers.....	6.805	.40	.40	.50	.10	
First semiskill: Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; Georgia buggies man; material batch hopperman; scaleman; material mixer man (except on manholes, cofferdams, abutments and pierhold men working below ground); riprap pavers, rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only).....	6.90	.40	.40	.50	.10	
Second semiskill: Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy materials (where special protection is required); head pipelayer on sewer work; topper of standing trees; batterboard man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.....	7.00	.40	.40	.50	.10	
Third semiskill: Spreader or screedman on asphalt machine; asphalt raker; laser beam man; Barco tamper; Jackson or any other similar tamp; wagon driller, churn drills, air track drill and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, cutters etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortarmen on brick or block manholes; sand blasting and Gunitite nozzle men; rubbing concrete; air tool operator in tunnels.....	7.125	.40	.40	.50	.10	
Fourth semiskill: Manhole builder (brick or block); dynamite and powdermen.....	7.225	.40	.40	.50	.10	
<b>HEAVY &amp; HIGHWAY CONSTRUCTION</b>						
<b>10-Missouri-TD-2-3:</b>						
<b>Truck drivers (Clay, Jackson, Platte, and Ray Counties, Mo.):</b>						
1 team; station wagons; pickups; material, single axle; tank wagon, single axle.....	7.39	.25	.50	.50		
2 teams; material, tandem; semitrailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semitrailer; Insley wagons; dump; excavating, 5 cu. yd. and over; dumpsters; half-tracks; Speedace, Euclids and other similar excavating equipment.....	7.59	.25	.50	.50		
A-frame; lowboy; boom.....	7.90	.25	.50	.50		
Mechanics and welders.....	8.05	.25	.50	.50		

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>10-Missouri-PEO-2-3:</b>						
Heavy and highway construction (Clay, Jackson, Platte, and Ray Counties, Mo.):						
Power equipment operators:						
Group I: Asphalt paver and spreader; asphalt plant console operator; Autograder; backhoe; blade operator, all types; boilers—2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator—2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick truck; ditching machine; dragline operator; dredge engineman; dredge operator; derrick with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader—forklift; hoisting engine—2 netive drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; Piltman crane operator; pump—2; Quad-Trac; scoop operator—all types; scoops in tandem; self-propelled rotary drill (Leroy or equal—not Air Trac); shovel operator; side discharge spreader; sideboom cat; skimmer scoop operator; slip-form paver (CMI, Rex, or equal); throttle man; truck crane; welding machine maintenance operator—2	8.00	.40	.40	.50	.10	
Group II: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator; skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine—1 drum; LaTourneau Rooter; multiple compactor; pavement breaker, self-propelled, of the Hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator—over 50 h.p.	7.75	.40	.40	.50	.10	
Group III: Boilers—1; chip spreader (front man); churn drill operator; compressor maintenance operator—1; concrete saws, self-propelled; conveyer operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator—combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator—1	7.50	.40	.40	.50	.10	
Group IV: Mechanic's helper, oiler	7.25	.40	.40	.50	.10	
Clamshells, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
Crane or rigs, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Crane or rigs, over 200 ft. of boom (including jib)	8.50	.40	.40	.50	.10	
Draglines, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
Piledrivers, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
<b>Missouri-Line Construction No. 2:</b>						
Line construction (Cass, Clay, Jackson, Platte, and Ray Counties, Mo.):						
Lineman	7.10	.10	1% + .15		10%	
Lineman operator	6.70	.10	1% + .15		10%	
Lineman mechanic	5.69	.10	1% + .15		10%	
Groundman, jackhammer operator	4.625	.10	1% + .15		10%	
Groundman, driver	4.625	.10	1% + .15		10%	
Groundman, powderman	4.88	.10	1% + .15		10%	
Groundman	4.625	.10	1% + .15		10%	
Groundman (1st year)	4.28	.10	1% + .15		10%	
<b>20-Kansas-1-w:</b>						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Asbestos workers	7.95	.30	\$0.30		\$0.02	
Bolrmakers	7.80	.30	.85		.02	
Bricklayers' helpers	7.55	.30	.85		.02	
Bricklayers; stonemasons	6.325	.20	.30			
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
Cementmasons:						
Composition	6.025	.10	.15			
Electricians	6.275	.10	.15			
Elevator constructors	7.95	.15	1% + .20	\$0.70	.03	
Elevator constructors' helpers	7.29	.175	\$0.20	2% + a + b		
Elevator constructors' helpers (probationary)	70% J R	.175	.20	2% + a + b		
Glaziers	50% J R					
Ironworkers: Ornamental; reinforcing; riggers; structural	\$7.41	.35	.20	7% + c	.01	
Lathers	8.50	.25	.25	\$0.25	.05	
Marble setters	6.75	.20				
Marble setters' helpers	8.425	3.65%	3.25%			
Painters:	6.68					
Painters	7.52	\$0.20	\$0.20			
Paperhangers	8.02	.20	.20			
All interior surfaces over 27 ft. from the floor including structural steel; all exterior work performed on swing stages, with jacks or with belts (over 7 ft. above ground level); storage bins and storage tanks (over 7 ft. above ground level); all work performed by air, steam, aggregate and/or sandblasting; all work in elevator shafts above 27 ft.; bridges; structural steel (exterior); structural steel, exterior over 75 ft. in height; tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
Pipefitters	8.02	.38	.75		.06	
Plasterers	6.90	.20				
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.15	.40		.04	
Sheet metal workers	8.225	.25	.25			
Soft-floor layers	6.59	.275	.25	7%	.05	
Sprinkler fitters	8.485	.25	.40		.05	
Terrazzo workers; tile setters	8.425	3.65%	3.25%			
Terrazzo workers' helpers	4.55					
Terrazzo base grinders	4.90					
Tile setters' helpers	6.68					
Cementmasons (heavy and highway construction)	8.905	\$0.20	\$0.45	\$0.50	.05	

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.  
 Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;  
 E—Thanksgiving Day; F—Christmas Day; G—Friday after Thanksgiving Day.  
 Footnotes:  
 a. 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rate.  
 b. Paid holidays: A through F.  
 c. Paid holidays: A through G.

## SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Kans.-1-TD-1-b:</b>						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Truckdrivers:						
Warehousemen and stockman	4.175					
Flatbeds	4.225					
Pickups	4.225					
Dump trucks, under 10 yd.	4.225					
Dump trucks, 10 yd. and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydrolift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truckdrivers and operators	4.325					
Semitruck drivers	4.30					
Heavy hauling, A-frame winch and forklifts	4.425					
Heavy excavating (dumper, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.375					
Transit mix, 5 yd. and over	4.375					
Transit mix, under 5 yd.	4.275					
Double bottom units (20 tons cap. and over)	4.425					
<b>Kansas-20-Lab-1-B:</b>						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Laborers:						
Common labor, wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)	5.30	.15		.15		
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and back-filling), power tool operators; pierhole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.455	.15		.15		
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; plasterers tenders; forklift (up to 9 ft.); hoseman; insulation man	5.555	.15		.15		
Mortarman (hod carriers); scaffolding (swinging or tubing) hod carriers	5.605	.15		.15		
Barer, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hot kettle-men; sandblasting and gunite nozzlemen; wagon and churn drill operators	5.75	.15		.15		
<b>Kans.-10-PEO-1-h:</b>						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Power equipment operators:						
A-frame trucks; boilers (1); brooms, power operated (all types); chip spreader (frontman); Clef Plane operator; compressor (1) 105 ft. or over; concrete saws, self-propelled; conveyor operator; crab—power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; Flex Plane; floating machine; form grader; forklift—all types and sizes; greaser; hoist, endless chain—power operated; hopper—power operated; Hydrahammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water); rollers (all types); siphons, jets and Jennys; subgrader; tractors over 50 h.p.	6.90	.25		.25	.02	
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator back-fillers; backhoe, all types; Barber-Greene loader; blade—power, all types; boats—power; boiler (2); boring machine (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer, such as mixermobile (with tower, 50¢ per hour additional); compressors (2) 105 ft. or over, not more than 20 ft. apart; compressors—tandem (any sizes); compressors—single, truck mounted; concrete ready-mixed plant, portable (jobsite); concrete mixer paver; crane or rigs (all types); crane—overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, endless chain—power operated with power travel; loaders—all types; locomotives—all types; mechanic and welder; mucking machine; orangepeels; piledrivers; pumps—material—all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man	7.15	.25		.25	.02	
Crane—tower or climbing	7.65	.25		.25	.02	
Clamshells, crane or rigs, draglines and piledrivers with 80 ft. of boom or over (including jib)	7.40	.25		.25	.02	
Crane or rigs over 200 ft.	7.65	.25		.25	.02	
Hoists—each additional drum over 1 drum	7.15	.25		.25	.02	
Master mechanic	8.15	.25		.25	.02	
Master mechanic—assistant	7.90	.25		.25	.02	
Oiler; tractors (except when hauling material) less than 50 h.p.	6.35	.25		.25	.02	
Oiler driver—all types	6.60	.25		.25	.02	
Ready-mixed concrete plants: Crane operator	6.83	.25		.25	.02	
Conveyor, loader operator; plant man	6.63	.25		.25	.02	

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
100-Kan.-PEO-2-3-h: Site preparation and grading, heavy and highway construction (Johnson and Wyandotte Counties, Kans.):						
Power equipment operators:						
Group I: Asphalt paver and spreader; autograder; backhoe; blade operator, all types; boilers—2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator—2; concrete plant operator—central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillbit with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader—forklift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; Pitman crane operator; pump—2; Quad-Trac; scoop operator—all types; scoops in tandem; self-propelled rotary drill (Leroy or equal—not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; throttle man; truck crane; welding machine maintenance operator—2.....	8.00	.40	.40	.50	.10	
Group II: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant operator; asphalt roller operators; backfiller operator; chip spreader; concrete batch plant, dry—power operated; concrete mixer operator; skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine—1 drum; LeTourneau Rooter; multiple compactor; pavement breaker, self-propelled, of the Hydrahammer or similar type; power shield; stump cutting machine; towboat operator; tractor operator—over 50 hp.....	7.75	.40	.40	.50	.10	
Group III: Boilers—1; chip spreader (frontman); euarn drill operator; compressor maintenance operator—1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator.....	7.50	.40	.40	.50	.10	
Self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator—combination boiler and booster; tractor—50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator—1.....	7.50	.40	.40	.50	.10	
Group IV:						
Mechanic's helper; oiler.....	7.25	.40	.40	.50	.10	
Clamshells, 3 yd. or over.....	8.25	.40	.40	.50	.10	
Crane or rigs, 80 ft. of boom or over (including jib).....	8.25	.40	.40	.50	.10	
Crane or rigs 200 ft. of boom or over.....	8.50	.40	.40	.50	.10	
Dragline, 3 yd. or over.....	8.25	.40	.40	.50	.10	
Hoisting engine—each additional drum over 1 drum.....	8.00	.40	.40	.50	.10	
Piledrivers, 80 ft. of boom or over (including jib).....	8.25	.40	.40	.50	.10	
Shovels, 3 yd. or over.....	8.25	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or cofferdams) of 25 ft. or more in length or depth will be paid 50 cents per hour above the regular classification.						
Site preparation and grading, heavy and highway construction (Johnson and Wyandotte Counties, Kans.):						
Laborers:						
General laborer; General laborer, carpenter tenders, salamander tenders, dumpman and ticket takers on stock piles, flagmen, loading trucks under bins, hoppers and conveyors, trackmen and all other general laborers.....	6.805	.40	.40	.50	.10	
First semiskill: Air tool operator, cement handler (bulk or sack), chain or concrete saw, deck hands, dumpman on earth fill, grade checkers on cuts and fills, georgia buggies man, material batch hopper man, scaleman, material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground, riprap pavers, rock, block or brick, signalman, scaffolds over 10 ft. not self-supported from ground up, skipman on concrete paving, vibrator man, wire mesh setters on concrete paving, all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines, power tool operator, all work in connection with hydraulic or general dredging operations, form setter helpers, puddlers (paving only).....	6.90	.40	.40	.50	.10	
Second semiskill: Crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material or materials (where special protection is required), head pipelayer on sewer work, topper of standing trees, batterboard man on pipe and ditch work, feeder on wood pulverizers, board and willow mat weavers and cable tiers on river work, all laborers working on underground tunnels where compressed air is not used.....	7.00	.40	.40	.50	.10	
Third semiskill: Spreader or screedman on asphalt machine, asphalt raker, laser beam man, Barco tamper, Jackson or any other similar tamp, wagon driller, churn drills, air track drills and all other similar drills, cutting torch man, form setters, liners and stringline men on concrete paving, curb, gutters etc., hot mastic kettelman, hot tar applicator, hand blade operators, manhole builders helpers and mortarmen on brick or block manholes, sandblasting and Gunnite nozzlemen, rubbing concrete, air tool operator in tunnels.....	7.125	.40	.40	.50	.10	
Fourth semiskill: Manhole builder (brick or block), dynamite and powdermen, welder, leadman or working foreman, tunnel leadman or working foreman.....	7.225	.40	.40	.50	.10	
100-Kansas-TD-2-3-d: Site preparation and grading, heavy and highway construction (Johnson and Wyandotte Counties, Kans.):						
Truck drivers:						
1 team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.....	7.39	.25	.50	.50		
Material trucks, tandem; 2 teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley wagons; dump trucks excavation 5 cu. yd. and over; dumpsters; half-tracks; Speedace; Euclids and other similar excavating equipment.....	7.59	.25	.50	.50		
A-frame; lowboy; Boom truckdrivers.....	7.90	.25	.50	.50		
Mechanics and welders.....	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers.....	7.165	.25	.50	.50		
Kansas-Line Construction No. 2: Line Construction (Johnson and Wyandotte Counties, Kans.):						
Lineman.....	7.10	.10	1% + .15		1%	
Lineman operator.....	6.70	.10	1% + .15		1%	
Lineman mechanic.....	5.69	.10	1% + .15		1%	
Groundman, jackhammer operator.....	4.625	.10	1% + .15		1%	
Groundman, driver.....	4.625	.10	1% + .15		1%	
Groundman, powderman.....	4.88	.10	1% + .15		1%	
Groundman.....	4.625	.10	1% + .15		1%	
Groundman (1st year).....	4.28	.10	1% + .15		1%	

[FR Doc. 72-6350 Filed 4-27-72; 8:45 am]

## CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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

1 CFR	Page	7 CFR—Continued	Page	9 CFR	Page
<b>PROPOSED RULES:</b>					
Ch. I.....	6804	855.....	7577	Ch. I.....	7493
Ch. II.....	6817	862.....	7577	76.....	7385, 7688
<b>3 CFR</b>					
<b>PROCLAMATIONS:</b>					
2290 (see PLO 5204).....	7206	Ch. IX.....	8060	82.....	7782
2761A (see Proc. 4125).....	8369	905.....	6729, 7582	Ch. III.....	7311
2867 (see Proc. 4125).....	8369	907.....	6921, 8435	327.....	6922
2888 (see Proc. 4125).....	8369	7075, 7291, 7481, 7780, 7967, 8435		<b>PROPOSED RULES:</b>	
2929 (see Proc. 4125).....	8369	908.....	6660, 6921, 7292, 7781, 8436	317.....	7902
3105 (see Proc. 4125).....	8369	910.....	6660, 7076, 7482, 7583, 7967, 8060	322.....	6694
3513 (see Proc. 4125).....	8369	911.....	8373	<b>10 CFR</b>	
3822 (see Proc. 4125).....	8369	914.....	6661, 7076	170.....	8074
4120.....	6825	944.....	7687	<b>PROPOSED RULES:</b>	
4121.....	7073	987.....	6729, 7873, 7874	50.....	6948, 7810
4122.....	7143	989.....	7148	<b>12 CFR</b>	
4123.....	7479	Ch. X.....	8060	207.....	7585
4124.....	7965	1036.....	7583	220.....	6831, 7585
4125.....	8369	1131.....	6922	221.....	7585
<b>EXECUTIVE ORDERS:</b>					
April 17, 1926 (revoked in part by PLO 5204).....	7206	Ch. XI.....	8060	528.....	8436
11663.....	6647	1201.....	8523	545.....	8061, 8373
11664.....	6651	1201.....	8523	735.....	7782
11665.....	7145	1421.....	6730, 7292, 7874-7876, 8060	<b>PROPOSED RULES:</b>	
11666.....	7199	1434.....	6830	204.....	6694
11667.....	7763	1468.....	6994	210.....	6695
11668.....	8057	1472.....	6994	541.....	8095
<b>PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:</b>					
Memorandum of March 1, 1972.....	7289	1474.....	7148	545.....	8095
<b>5 CFR</b>					
213.....	6851, 6852, 7147, 7385, 7765, 7873, 8059, 8433	1475.....	7149	556.....	8095
351.....	7075	1488.....	7879	582.....	8096
<b>6 CFR</b>					
101.....	6827, 7795	1821.....	7482	582b.....	8096
201.....	7615, 7620, 7696	1832.....	7293	Ch. VI.....	7218
300.....	6827, 7501, 7621	1864.....	7310	611.....	7992
301.....	6653, 7621	<b>PROPOSED RULES:</b>			
305.....	7623	47.....	6854	701.....	7218
401.....	6653	51.....	6854	741.....	6873
<b>PROPOSED RULES:</b>					
201.....	7715	52.....	7801, 8389, 8395	<b>13 CFR</b>	
205.....	8463	101.....	7258	115.....	6922
<b>7 CFR</b>					
Ch. I.....	8059	180.....	7672	121.....	7077, 8438
29.....	7765	711.....	7342	<b>PROPOSED RULES:</b>	
46.....	7873	725.....	7805	107.....	8468
51.....	6828, 8059	911.....	6855, 8397	<b>14 CFR</b>	
59.....	6656	946.....	6927	1.....	7386
68.....	7291	953.....	7628, 7991	39.....	6731, 6831, 6832, 7077, 7149, 7201, 7202, 7386, 7880, 7968, 8061, 8062, 8438, 8524
81.....	8435	966.....	6857, 7100, 7628	71.....	6731, 6924, 6995, 7150, 7203, 7387, 7586, 7688, 7689, 7783, 7880, 7969, 8062, 8439-8441, 8524
271.....	7687	987.....	6693	73.....	6832, 7311, 7969
301.....	6991-6994, 7481, 7767	1030.....	7329	75.....	7150, 7689, 8441
319.....	7481	1040.....	7338	97.....	6833, 6995, 7203, 7880, 8442
722.....	7147	1043.....	7338	121.....	7150
728.....	7687	1046.....	6693	135.....	7783
775.....	7775	1049.....	7329	250.....	6924
<b>8 CFR</b>					
103.....	8523	1108.....	7341, 7901	385.....	6661, 6925
212.....	7584, 7967, 8061	1125.....	7259	<b>PROPOSED RULES:</b>	
214.....	7584	1127.....	7342	39.....	7409, 7705
238.....	7584	1201.....	6745	71.....	6746, 6747, 6947, 7006, 7164-7166, 7209, 7210, 7342, 7343, 7409, 7410, 7527, 7634-7637, 7810, 8093, 8462, 8539
242.....	8523	1464.....	7902, 8533	73.....	7166, 7410, 7637
343b.....	7584	1488.....	6745	75.....	7103
<b>PROPOSED RULES:</b>					
103.....	7099	1701.....	6867, 6868, 7407, 8533	91.....	7104, 7527
205.....	7099	1823.....	7101	135.....	7529
235.....	7099	1861.....	6930		
242.....	7099				
246.....	7099				
247.....	7099				
280.....	7099				
292.....	7099				

**14 CFR—Continued**

PROPOSED RULES—Continued

207	7903
208	7903
212	7903
214	7903
221	7344, 7904, 8093, 8462
231	7904, 8462
241	7216
249	7903

**15 CFR**

379	8524
390	8524

PROPOSED RULES:

7	7628
---	------

**16 CFR**

13	6662-6664, 6731-6733, 6833, 6834, 7494-7497, 7586-7588, 7784-7787
310	8525
423	6835

**17 CFR**

211	6850
231	6850
240	6850
241	6850
251	6850
270	7078, 7589, 8443
271	6850, 7690
274	7078
276	7690

PROPOSED RULES:

230	7709
239	7709
240	7533, 7709
249	7533, 7709
270	6758, 7993
275	7713

**18 CFR**

35	6852
154	6852, 8376
157	7591

PROPOSED RULES:

Ch. I	7638
2	7345, 7800
101	7007
104	7007
105	7007
141	6872, 7007, 7167
154	7641
201	7007
204	7007
205	7007
260	6872, 7007

**19 CFR**

1	7591
8	7592
24	7592
153	6665
171	7592
172	7592

PROPOSED RULES:

1	7003
8	7797
15	7797
25	8452
111	7519
153	7698
158	7797

**20 CFR**

404	7881
-----	------

**21 CFR**

53	6733
121	6734, 6925, 7312, 7387, 7593, 7788, 8525
135	7079, 7497, 8379
135a	6925, 7151
135b	7079, 7080, 8379
135c	6734, 6996, 7497, 7788, 8379
135e	7593, 7881
141	7497, 7498
146	6926
148g	7498
148i	7080
149d	7693
165	6734
170	7151
172	7151
295	8433

PROPOSED RULES:

1	6938, 7209
3	7519
51	7164
121	6938, 8460
130	6940, 7807, 7903
141	7630
141a	7630
141b	7630
148j	7630
191	6868, 8534
295	7407, 7408, 7631, 7809, 8461

**22 CFR**

14	8443
41	7156, 7969
602	6665
603	6665
801	7312, 7594
802	7594
803	7598
804	7601
805	7602
806	7603
1001	7883
1002	8375

**23 CFR**

1	7969
---	------

PROPOSED RULES:

1	8398
---	------

**24 CFR**

200	7156
203	7693
236	7157
275	8525
511	7388
540	7391
541	7391
551	7393
561	7395
600	6667
1710	6674
1906	8379
1914	7081, 7604, 7789, 8448
1915	7082, 7605, 7790, 8449

PROPOSED RULES:

43	7520
235	7166

**25 CFR**

16	7082
43h	7204
43i	7882
221	6835

PROPOSED RULES:

121	8384
161	6692
221	7703

**26 CFR**

1	7088, 7883, 8062
13	7091
147	7157
240	7973
301	7316, 7883, 7887

PROPOSED RULES:

1	6688, 7003, 7162, 7890, 7891, 7981, 7986, 8079, 8453
20	7891
25	7891
53	7986
301	6689

**27 CFR**

4	7974
---	------

**28 CFR**

0	7790
---	------

**29 CFR**

102	7693
1604	6835
1926	6837

PROPOSED RULES:

606	7004
670	7004
675	7004
677	7004
678	7004

**30 CFR**

28	7562
29	7564
75	8529

**31 CFR**

102	6912
103	6912

**32 CFR**

60	7791
178	7792
504	7204
591	7084
592	7086
593	7086
594	7086
596	7087
598	7087
599	7087
600	7087
601	7088
602	7088
603	7088
606	7088
1611	7498
1622	7498
1660	7498
1807	7793

32 CFR—Continued

PROPOSED RULES:	
1606	6696
1608	6696
1631	8468
1670	6696
1710	7911

33 CFR

92	7693
117	6846, 6847, 6926, 7499, 7694
207	8525

PROPOSED RULES:

67	7703
82	6946
110	8535
128	7103
171	6869
172	8044
173	7750
180	8046

36 CFR

2	6735
7	7499
221	7500

PROPOSED RULES:

7	7329, 7407
231	7519
261	7519

37 CFR

2	7605
---	------

38 CFR

1	7157
3	6676, 7092
17	6847
21	6679

39 CFR

952	7321
953	7321

40 CFR

180	6847-6849, 7158, 7793, 8449, 8450
-----	-----------------------------------

PROPOSED RULES:

180	6872, 7812, 8462
-----	------------------

41 CFR

3-4	8072
4-1	7887
4-4	6735
4-12	6736
4-16	6737
5A-1	6996, 7609
5A-2	6998
5A-7	6998
5A-16	6998, 7694
5A-72	7694, 8381
5A-73	6998
5A-76	6998, 7694
5B-2	8073
9-7	6680
9-16	6680
9-53	6999
14-1	7321
14-6	7321
14-7	7322

41 CFR—Continued

14-10	7322
14-12	7322
14-18	7322
15-3	7500, 8450
60-2	8526
60-7	8074
101-25	7793
101-43	7976
101-44	7978
114-1	7092
114-25	7092
114-26	7092
114-40	7978

PROPOSED RULES:

3-16	8079
15-16	8540
101-18	7905, 8098

42 CFR

51b	6999
59	7093
75	7322

PROPOSED RULES:

53	7632
71	7005
72	7005
87	7706

43 CFR

PUBLIC LAND ORDERS:

1091 (revoked in part by PLO 5200)	7322
1467 (see PLO 5208)	8383
2589 (see PLO 5208)	8383
5181	8526
5196	7095
5197	7159
5198	7159
5199	7205
5200	7322
5201	7206
5202	7206
5203	7206
5204	7206
5205	7206
5206	8382
5207	8382
5208	8383
5209	8383

PROPOSED RULES:

1820	7004, 8530
------	------------

45 CFR

82	7323
151	7096
177	6849

PROPOSED RULES:

121	8085
125	8085

46 CFR

146	7694
221	6995
279	7979
310	6661
511	7695
531	7695
548	7326

46 CFR—Continued

PROPOSED RULES:	
146	6694
170	7751
171	7751
177	6947
251	6759, 7163
510	8098

47 CFR

0	6737, 7609, 7888, 8076
1	7504, 8527
2	7508
64	7609
73	6738, 7396, 7508, 7514, 7517, 8527, 8528
74	6738
76	7083
81	8076
83	8076
89	6685, 7888
91	6687, 7888
93	6687

PROPOSED RULES:

1	6752, 8550
2	8550, 8555, 8559
13	7530
21	8550
25	7531
43	8550
73	6753, 6754, 7531, 7532, 8559
74	7530, 8555, 8559
76	7108
81	6752
87	6752
89	6752
91	6752, 6757, 7637
93	6752

49 CFR

171	8383
172	8383
173	8383
174	8383
175	8383
177	8383
233	7096
234	7096
501	8526
571	7097, 7207
1033	7159, 7504, 7794
1056	7159
1115	7160
1252	7328

PROPOSED RULES:

71	7344
171	6747
173	6747, 6871, 7104
178	6747
179	6871, 7104
571	7107, 7108, 7210, 7529
575	7903
Ch. X	8388

50 CFR

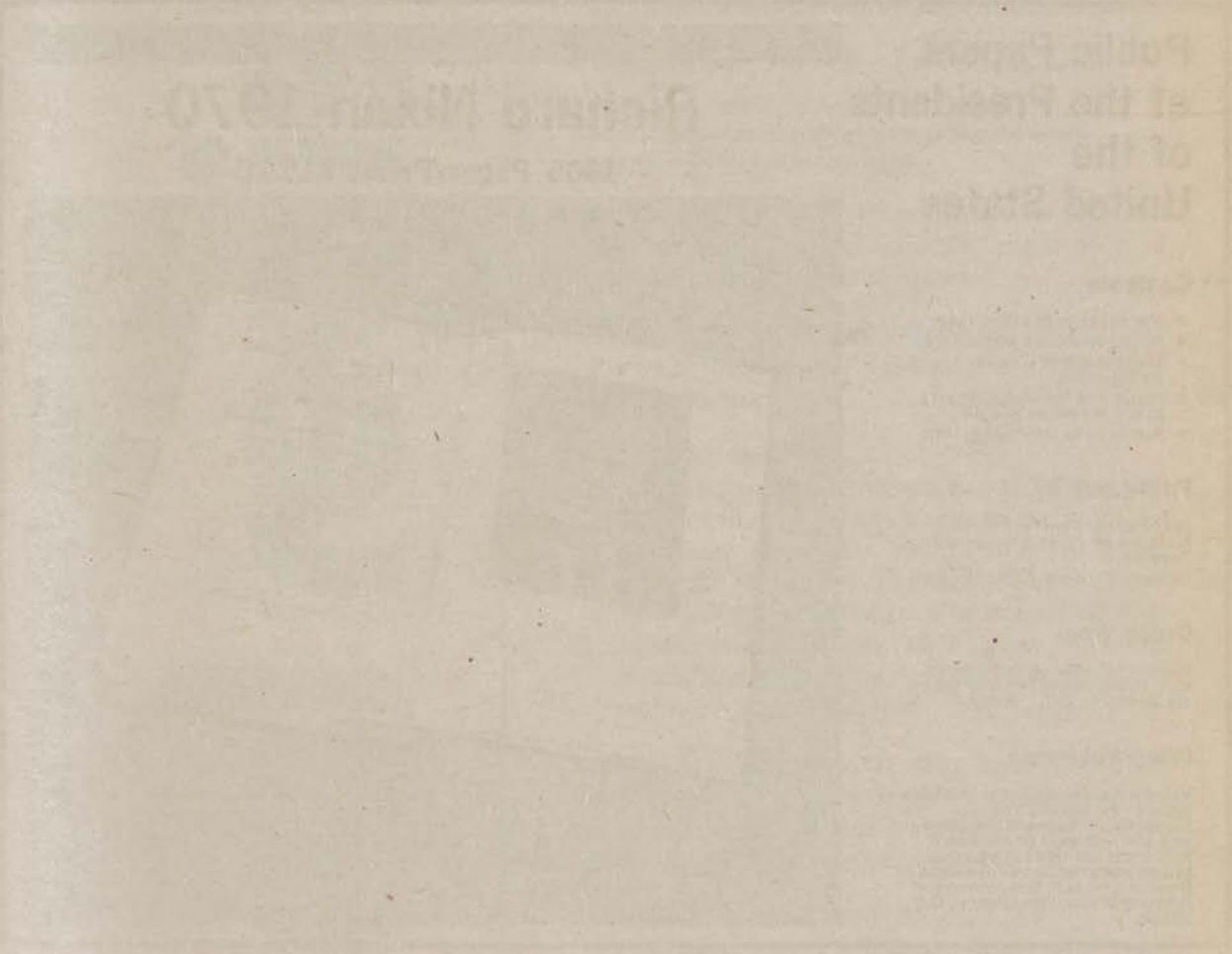
28	7406, 7795, 8436
32	7328, 7614
33	6687, 7002, 7160, 7161, 7614

PROPOSED RULES:

10	8530
17	7901
260	7164

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
6641-6722	Apr. 1	7195-7282	Apr. 12	7867-7957	Apr. 21
6723-6818	4	7283-7380	13	7959-8050	22
6819-6915	5	7381-7471	14	8051-8363	25
6917-6985	6	7473-7570	15	8365-8425	26
6987-7066	7	7571-7680	18	8427-8515	27
7067-7135	8	7681-7756	19	8517-8651	28
7137-7194	11	7757-7865	20		



Public Papers  
of the Presidents  
of the United States

# Public Papers of the Presidents of the United States

## Richard Nixon/1970

1305 Pages/Price: \$15.75

### Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

### Published by

Office of the Federal Register  
National Archives and Records  
Service  
General Services Administration

### Order from

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

### Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

