

# federa! register

FRIDAY, MAY 5, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 88

Pages 9095-9191

## PART I

(Part II begins on page 9187)



### 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.

- MILITARY ASSISTANCE FOR LATIN AMERICA**—Presidential Memorandum waives certain restrictions ..... 9101
- TOXIC PAINTS**—HEW adopts grant program to aid local governments in the prevention of poisoning incidents involving lead-based paint, effective 5-5-72 ..... 9187
- ECONOMIC STABILIZATION**—Price Commission revised instructions for using Form PC-1, "Request (Report) for Price Increases by Manufacturing, Service Industries and the Professions"; effective 5-3-72 ..... 9120
- ENVIRONMENTAL MONITORING INSTRUMENTS**—National Science Foundation notes availability of published surveys ..... 9179
- CIGARETTE WARNING**—FTC orders six major manufacturers and distributors to include a warning statement in all advertisements ..... 9108
- ENRICHED MACARONI PRODUCT**—FDA extends to 4-28-73 the temporary permit for market testing enriched yellow corn-soy-wheat macaroni ..... 9145
- FEDERAL LABOR RELATIONS**—  
Federal Service Impasses Panel proposes new procedural rules for negotiating disputes; comments by 5-25-72 ..... 9141  
Federal Labor Relations Council proposes rule changes to expedite appeal cases; comments by 5-25-72 ..... 9138
- MOTOR VEHICLE SAFETY**—DOT extends comment period on a proposed amendment to accelerator control standards ..... 9138

(Continued inside)



Just Released

## CODE OF FEDERAL REGULATIONS

Title 7—Agriculture (Parts 1120–1199)-----	\$1. 50
Title 12—Banks and Banking (Part 300–End)-----	2. 75
Title 49—Transportation (Parts 1000–1199)-----	1. 25

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

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



(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.



# HIGHLIGHTS—Continued

**MORTGAGES**—HUD waives prepayment charge when a nonprofit mortgagor makes payment from the proceeds of a HEW guaranteed loan; effective 5-5-72

9111

**OCCUPATIONAL HEALTH AND SAFETY**—Bureau of Mines proposes new procedures for reporting and investigating mine worker accidents, injuries and job-related illness; comments within 45 days

9125

## PUBLIC INFORMATION—

FDA proposes guidelines concerning disclosure of documents in FDA files; comments within 60 days

9128

Selective Service System regulations concerning registrants and other matters; effective 5-6-72

9114

**SMALL BUSINESS ASSISTANCE**—SBA regulation will reduce size standard applicable to the fluid milk industry

9104

# Contents

## THE PRESIDENT

### MEMORANDUM

Waiver of regional ceiling on military assistance and sales for Latin America

9101

## EXECUTIVE AGENCIES

### AGRICULTURAL MARKETING SERVICE

#### Rules and Regulations

Irish potatoes grown in southeastern States; limitation of shipments

9119

#### Proposed Rule Making

Canned apricots; standards for grades; correction

9128

Milk in Chicago regional marketing area; extension of time for completing referendum

9128

### AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service.

### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

#### Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined

9103

### ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

#### Rules and Regulations

Hospitals; prepayment privilege and prepayment charges

9111

### ATOMIC ENERGY COMMISSION

#### Notices

Pacific Gas & Electric Co.; notice and order for evidentiary hearing

9146

Philadelphia Electric Co.; order designating evidentiary hearing

9146

## CIVIL AERONAUTICS BOARD

### Notices

#### Hearings, etc.:

Air Line Industrial Relations Conference Investigation

9146

ALCO/Alaska Airlines, Inc., Acquisition Case

9146

Compania De Aviacion "Fau-cett", S.A.

9146

## COAST GUARD

### Notices

Portion of James River closed to navigation during launching of USS Nimitz; security zone

9145

## CUSTOMS BUREAU

### Proposed Rule Making

Antidumping; fair value determinations and sales below cost of production; solicitation of views

9125

## EMPLOYMENT STANDARDS ADMINISTRATION

### Notices

Minimum wages for Federal and federally assisted construction; area wage determination decisions, modifications and supersedeas decisions; new determinations

9154

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Control zone; alteration

9104

Transition areas; alterations (2 documents)

9104, 9105

### Proposed Rule Making

Transition areas; Alteration

9138

Designation

9138

## FEDERAL COMMUNICATIONS COMMISSION

### Rules and Regulations

Television broadcast stations in Corpus Christi, Tex.; table of assignments

9117

## Notices

Bi-County Broadcasting Corp.; designation of applications for consolidated hearing and notice of apparent liability

9146

Canada-U.S.A. TV agreement; amendment to table

9147

Canadian standard broadcast stations; notification list

9153

Common carrier services information; domestic public radio services applications accepted for filing

9148

## FEDERAL INSURANCE ADMINISTRATION

### Rules and Regulations

National flood insurance program; Areas eligible for sale of insurance

9111

Identification of special hazard areas

9113

## FEDERAL LABOR RELATIONS COUNCIL

### Proposed Rule Making

Review functions of the Council

9138

## FEDERAL POWER COMMISSION

### Notices

Caprock Pipeline Co. and Transwestern Pipeline Co.; notice of application

9153

## FEDERAL SERVICES IMPASSES PANEL

### Proposed Rule Making

Federal labor relations

9141

## FEDERAL TRADE COMMISSION

### Rules and Regulations

Prohibitive trade practices; cease and desist orders;

Florida Children's Wear Manufacturer's Guild, Inc.

9107

H & R Enterprises, Inc., and Walter B. Harrison

9107

Lorillard et al.

9108

National Tea Co.

9110

(Continued on next page)



**FISCAL SERVICE****Notices**

- Hartford Casualty Insurance Co.; surety companies acceptable on Federal bonds; change of name... 9144

**FISH AND WILDLIFE SERVICE****Rules and Regulations**

- Brigantine National Wildlife Refuge, N.J.; sport fishing, public access, use and recreation (2 documents) ..... 9110

**FOOD AND DRUG ADMINISTRATION****Proposed Rule Making**

- Public information ..... 9128

**Notices**

- General Foods Corp.; enriched macaroni product deviating from identity standard; extension of permit for market testing ..... 9145
- Imperial Chemical Industries, Ltd.; withdrawal of petition for food additives ..... 9145

**GENERAL SERVICES ADMINISTRATION****Rules and Regulations**

- Small business concerns; revision of procurement reporting instructions ..... 9105

**GEOLOGICAL SURVEY****Notices**

- Federal mining, oil and gas and geothermal lessees; tabulation and consolidation of environmental impact comments ..... 9144

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Food and Drug Administration; Public Health Service.

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

See also Assistant Secretary for Housing Production and Mortgage Credit Office; Federal Insurance Administration.

**Rules and Regulations**

- Small business concerns ..... 9105

**Notices**

- Regional Administrators et al.; redelegation of authority ..... 9182

**INTERIOR DEPARTMENT**

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

**INTERSTATE COMMERCE COMMISSION****Rules and Regulations**

- Car service; authorizations to operate over trackage of other railroads: Illinois Terminal Railroad Co. .... 9119
- New York Dock Railway ..... 9118
- Securities; extension of time to file petitions for reconsideration of decision on expanded definition ..... 9119

**Notices**

- Assignment of hearings ..... 9182
- Fourth section applications for relief ..... 9182
- Motor carriers: Board transfer proceedings ..... 9182
- Temporary authority applications ..... 9183

**LABOR DEPARTMENT**

See Employment Standards Administration.

**LAND MANAGEMENT BUREAU****Notices**

- Arizona; proposed withdrawal and reservation of lands ..... 9144
- Nevada; partial termination of proposed withdrawal and reservation of lands ..... 9144

**MINES BUREAU****Proposed Rule Making**

- Occupational health and safety; notification, investigation, reports and records of accidents, injuries and occupational illnesses in metal and nonmetal mines ..... 9125

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION****Proposed Rule Making**

- Accelerator control systems; time of throttle return to idle; extension of time for comment... 9138

**NATIONAL SCIENCE FOUNDATION****Notices**

- Certain materials relating to instrumentation for environmental monitoring; notice of availability ..... 9179

**PRICE COMMISSION****Rules and Regulations**

- Request for price increases by manufacturing, service industries and professions; revision of instructions for Form PC-1... 9120

**PUBLIC HEALTH SERVICE****Rules and Regulations**

- Lead-based paint poisoning prevention grants ..... 9188

**SECURITIES AND EXCHANGE COMMISSION****Notices**

- Hearings, etc.: Carter Group, Inc., and Utilities & Industries Corp. .... 9181
- Hollywood International Studios, Inc. .... 9181
- POP Investment Fund ..... 9181

**SELECTIVE SERVICE SYSTEM****Rules and Regulations**

- Public information; miscellaneous amendments ..... 9114

**SMALL BUSINESS ADMINISTRATION****Rules and Regulations**

- Small business size standards; definition for bidding on Government procurement of fluid milk ..... 9104

**TRANSPORTATION DEPARTMENT**

See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

**TREASURY DEPARTMENT**

See Customs Bureau; Fiscal Service.



# 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>3 CFR</b>		<b>14 CFR</b>		<b>30 CFR</b>	
Presidential Documents Other Than Proclamations and Executive Orders:		71 (3 documents) -----	9104, 9105	PROPOSED RULES:	
Memorandum of April 19, 1972--	9101	PROPOSED RULES:		58-----	9125
		71 (2 documents) -----	9138	<b>32 CFR</b>	
<b>5 CFR</b>		<b>16 CFR</b>		1606-----	9114
PROPOSED RULES:		13 (4 documents) -----	9107-9110	1608-----	9114
2411-----	9138	<b>19 CFR</b>		1670-----	9117
2470-----	9141	PROPOSED RULES:		<b>41 CFR</b>	
2471-----	9141	153-----	9125	5A-1-----	9105
<b>6 CFR</b>		<b>21 CFR</b>		5A-16-----	9105
300-----	9120	PROPOSED RULES:		24-1-----	9105
<b>7 CFR</b>		1-----	9128	<b>42 CFR</b>	
953-----	9119	2-----	9128	91-----	9188
PROPOSED RULES:		4-----	9128	<b>47 CFR</b>	
52-----	9128	8-----	9128	73-----	9117
1030-----	9128	121-----	9128	<b>49 CFR</b>	
<b>9 CFR</b>		130-----	9128	1033 (2 documents) -----	9118, 9119
76-----	9103	135-----	9128	1115-----	9119
<b>13 CFR</b>		146-----	9128	PROPOSED RULES:	
121-----	9104	191-----	9128	571-----	9138
		<b>24 CFR</b>		<b>50 CFR</b>	
		242-----	9111	28-----	9110
		1914-----	9111	33-----	9110
		1915-----	9113		







# Presidential Documents

## Title 3—The President

MEMORANDUM OF APRIL 19, 1972

[Presidential Determination No. 72-13]

### Waiver of Regional Ceiling on Military Assistance and Sales for Latin America


Memorandum for the Secretary of State

THE WHITE HOUSE,  
Washington, April 19, 1972.

In accordance with the recommendation in your memorandum of March 27, 1972, I hereby find pursuant to Section 33(c) of the Foreign Military Sales Act, as amended, that overriding requirements of the national security of the United States justify the waiver of the \$100 million ceiling for Fiscal Year 1972 imposed by Section 33(a) of the Foreign Military Sales Act, as amended, on (a) the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, (b) cash and credit sales pursuant to the Foreign Military Sales Act, as amended, and (c) loans and sales in accordance with Section 7307 of Title 10, United States Code, excluding training, to Latin American countries.

You are directed on my behalf to report this finding promptly to the Congress as required by Section 33(c) of the Foreign Military Sales Act, as amended.

This finding shall be published in the FEDERAL REGISTER.



[FR Doc.72-6962 Filed 5-3-72; 3:11 pm]



# Practical Documents

THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS

OF THE PRACTICAL DOCUMENTS



# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-518]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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

1. In § 76.2, in paragraph (e)(3) relating to the State of North Carolina, subdivision (v) relating to Greene and Lenoir Counties is deleted, and subdivision (ii) relating to Johnston County is amended to read:

(e) \* \* \*

(3) North Carolina. \* \* \*

(ii) That portion of Johnston County bounded by a line beginning at the junction of U.S. Highway 301 and U.S. Highway 70; thence, following U.S. Highway 70 in an easterly direction to Secondary Road 2508; thence, following Secondary Road 2508 in a southerly direction to Secondary Road 1007; thence, following Secondary Road 1007 in a westerly direction to the west bank of Polecat Branch; thence, following the west bank of the Polecat Branch in a generally southeasterly, then southerly direction to the Neuse River; thence, following the north bank of the Neuse River in a generally northeasterly direction to Secondary Road 1201; thence, following Secondary Road 1201 in a southwesterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a southwesterly direction to the north bank of the Mill Creek; thence, following the north bank of the Mill Creek in a generally northwesterly, then southerly direction to Secondary Road 1009; thence, following Secondary Road 1009 in a generally southeasterly direction to Secondary Road 1136; thence, following Secondary Road 1136 in a southwesterly, then northwesterly direction to Secondary Road 1139; thence, following

Secondary Road 1139 in a northwesterly direction to Secondary Road 1140; thence, following Secondary Road 1140 in a northwesterly direction to Secondary Road 1143; thence, following Secondary Road 1143 in a westerly direction to State Highway 96; thence, following State Highway 96 in a northeasterly direction to Secondary Road 1178; thence, following Secondary Road 1178 in a northwesterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a southwesterly direction to Secondary Road 1162; thence, following Secondary Road 1162 in a northwesterly direction to Secondary Road 1350; thence, following Secondary Road 1350 in a southwesterly direction to Secondary Road 1330; thence, following Secondary Road 1330 in a northwesterly, then generally northeasterly direction to Secondary Road 1010; thence, following Secondary Road 1010 in a southeasterly direction to Secondary Road 1562; thence, following Secondary Road 1562 in a generally northwesterly, then northeasterly direction to Secondary Road 1563; thence, following Secondary Road 1563 in a generally easterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a southeasterly direction to its junction with U.S. Highway 301.

2. In § 76.2, the reference to the State of South Carolina in paragraph (g) is deleted, and in paragraph (e)(4) relating to the State of South Carolina, a new subdivision (iii) relating to Darlington County is added to read:

(e) \* \* \*

(4) South Carolina. \* \* \*

(iii) That portion of Darlington County bounded by a line beginning at the junction of State Highway 24 and State Highway 25; thence, following State Highway 24 in a northeasterly, then southeasterly direction to State Highway 36; thence, following State Highway 36 in a southeasterly direction to U.S. Highway 401, 52; thence, following U.S. Highway 401, 52 in a southeasterly direction to its junction with State Highway 133; thence, following U.S. Highway 401 in a southwesterly direction to State Highway 340; thence, following State Highway 340 in a southwesterly direction to State Highway 19; thence, following State Highway 19 in a northwesterly direction to State Highway 175; thence, following State Highway 175 in a northwesterly direction to State Highway 151, 34; thence, following State Highway 151, 34 in a northwesterly direction to State Highway 25; thence, following State Highway 25 in a northeasterly direction to its junction with State Highway 24.

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

134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments quarantine an additional portion of Johnston County in North Carolina and a portion of Darlington County in South Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude portions of Greene and Lenoir Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The amendments delete South Carolina from the list of hog cholera-free States in § 76.2(g). The special provisions pertaining to the interstate movement of swine and swine products from free States are no longer applicable to South Carolina.

Insofar as the amendments impose certain further restrictions necessary to prevent the spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of May 1972.

F. J. MULHERN,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 72-6860 Filed 5-4-72; 8:46 am]



## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 11, Amdt. 5]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business for Purpose of Bidding on Government Procurement of Fluid Milk

On November 27, 1971, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations was amended (36 F.R. 22669) by deleting from Schedule B of § 121.3-8 the 750-employee size standard for fluid milk (Census Classification Code 2026). The amendment was to become effective 30 days after publication in the FEDERAL REGISTER.

Subsequently, by notice published in the FEDERAL REGISTER on December 28, 1971 (36 F.R. 25052), the effective date of such amendment was suspended pending a public hearing thereon to be held on February 24, 1972. The hearing was postponed until March 2, 1972 (37 F.R. 3768), and was held on that date.

The Small Business Administration has reviewed all of the information provided with respect to the issue in question and finds that:

1. The Small Business Administration Size Standards Policy is as set forth below:

##### SMALL BUSINESS ADMINISTRATION SIZE STANDARDS POLICY

The fundamental purpose of Small Business Administration assistance is to preserve free competitive enterprise by strengthening the competitive position of small business concerns.

It is the Small Business Administration's view that, in the absence of proof to the contrary, there is a segment of each industry wherein concerns by reason of their size are at a competitive disadvantage. Therefore, the definition of small business for each industry should be limited to that segment of the industry struggling to become or remain competitive.

Smaller concerns often are forced to compete with middle-sized as compared with very large concerns. In consideration of this fact, the standard for each industry should be established as low as reasonably possible. It should be lowered in any case where the SBA determines that a few concerns under the size standard umbrella have, because of their size, gained undue competitive strength as compared with other concerns under the umbrella.

It is the Small Business Administration's view that concerns which, with or without assistance under the Small Business Act, have grown to a size which exceeds the applicable small business size standard, should compete for Government contracts not reserved for small business concerns or should seek commercial markets in the same or related fields. Under such circumstances small business concerns should not rely on continuing assistance under the Small Business Act from the cradle to the grave, but should plan for the day on which they become other than small business and should be able to compete without assistance.

2. Concerns in the fluid milk industry that have 500 or fewer employees, and particularly those with fewer than 250 employees, are struggling to become or remain competitive not only with chain stores and industry giants, but also with middle-sized concerns, i.e., those with between 500 and 750 employees.

3. Concerns in the fluid milk industry that have between 500 and 750 employees either are diversified or are in a better position to diversify or vary their business operations to meet competition; they do not or at least should not need continued assistance from the small business set-aside program.

4. Although no concern may rely upon continuation of a particular size standard, thereby denying the Small Business Administration the opportunity to fulfill its responsibility to adjust standards to changing conditions, it is the Small Business Administration's finding that some concerns which now have been between 500 and 750 employees, may have inadvertently or innocently relied on the 750-employee fluid milk standard to their detriment.

Under all of the circumstances the Small Business Administration has determined that the size standard should be reduced to 500 employees, but that adversely affected concerns should have a reasonable opportunity to make such changes in their operations as to minimize the effect of the change. Therefore the Small Business Administration has determined to graduate the change from a 750-employee standard to a 500-employee standard in accordance with the following schedule:

1. 750 employees through April 30, 1973.
2. 625 employees from May 1, 1973, through April 30, 1974.
3. 500 employees effective May 1, 1974.

Accordingly the following actions are being taken:

1. The amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations published in the FEDERAL REGISTER on November 27, 1971 (36 F.R. 22669), is hereby rescinded, thus leaving in Schedule B of Part 121, a 750-employee size standard for Census Classification Code 2026, Fluid Milk.

2. Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding Footnote 7 to the size standard for Census Classification Code 2026, Fluid Milk to read as set forth below:

3. As amended, the size standard for Census Classification Code 2026, Fluid Milk, in Schedule B of Part 121 now reads as follows:

##### SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry or class of products	Employment size standard (number of employees)
...	...	...
2026	Fluid Milk	750 (See Footnote 7)
...	...	...

7 The size standard for Census Classification Code 2026, Fluid Milk, will be reduced to 625 employees effective May 1, 1973, and further reduced to 500 employees effective May 1, 1974.

This amendment shall become effective on publication in the FEDERAL REGISTER (5-5-72).

Dated: May 1, 1972.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.72-6851 Filed 5-4-72;8:46 am]

## Title 14—AERONAUTICS AND SPACE

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

[Airspace Docket No. 72-SO-40]

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

##### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Eglin AF Aux No. 3 (Duke Field), Fla., control zone.

The Eglin AF Aux No. 3 (Duke Field) control zone is described in § 71.171 (37 F.R. 2056) and is presently effective from 0700 to 1600 hours, local time, Monday through Friday. Because of a change in hours of operations, it is necessary to alter the control zone description to change the designated hours. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Eglin AF Aux No. 3 (Duke Field), Fla., control zone is amended as follows:

" \* \* \* This control zone is effective from 0700 to 1600 hours, local time, Monday through Friday \* \* \* " is deleted and " \* \* \* This control zone is effective from 0730 to 1530 hours, local time, Monday; 0730 to 2300 hours, local time, Tuesday through Friday, and 0900 to 1700 hours, local time, Saturday and Sunday, excluding Federal legal holidays \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on April 27, 1972.

DUANE W. FREER,  
Acting Director, Southern Region.

[FR Doc.72-6854 Filed 5-4-72;8:46 am]

[Airspace Docket No. 72-SO-32]

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

##### Alteration of Transition Area

On April 14, 1972, F.R. Doc. No. 72-5675 was published in the FEDERAL REGISTER (37 F.R. 7387), amending Part 71 of the Federal Aviation Regulations by altering the Sumter, S.C., transition area.

In the amendment, an extension predicated on the ILS localizer southwest course, was cited as extending from the 9.5-mile-radius area in lieu of the 8.5-mile-radius area. It is necessary to amend the FEDERAL REGISTER document



to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 72-5675 is amended as follows:

In line nine of the citation " \* \* \* 9.5-mile \* \* \* " is deleted and "8.5-mile \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on April 27, 1972.

DUANE W. FREER,  
Acting Director, Southern Region.  
[FR Doc.72-6855 Filed 5-4-72;8:46 am]

[Airspace Docket No. 72-SO-41]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71.181 of the Federal Aviation Regulations is to alter the Oneida, Tenn., transition area.

The Oneida transition area is described in § 71.181 (37 F.R. 2143). In the description, extension predicated on the 220° bearing from Scott RBN, was designated to provide controlled airspace protection for IFR aircraft executing NDB RWY 5 Instrument Approach Procedure. This procedure was canceled, effective April 6, 1972. It is necessary to alter the description to revoke this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

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

ONEIDA, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.).

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

Issued in East Point, Ga., on April 27, 1972.

DUANE W. FREER,  
Acting Director, Southern Region.  
[FR Doc.72-6853 Filed 5-4-72;8:46 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration REVISED PROCUREMENT REPORTING INSTRUCTIONS

Chapter 5A of Title 41 is amended as follows:

## PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to add the following new entry:

Sec.  
5A-1.706-50 Documentation and review of procurements not set-aside for small business.

### Subpart 5A-1.7—Small Business Concerns

Section 5A-1.706-50 is added as follows:

§ 5A-1.706-50 Documentation and review of procurements not set-aside for small business.

(a) Where a contracting officer makes a tentative decision that a procurement cannot be restricted for small business, the reasons for this determination shall be recorded on GSA Form 2689, Procurement Not Set-Aside for Small Business. When applicable, this form shall be prepared in triplicate through block 11, by all FSS contracting officers except that contracting officers of the Procurement Operations Division (FPN) and the Special Programs Division (FPH), Washington, shall prepare the form in quadruplicate. Distribution of the form by the respective buying offices shall be as indicated below:

- (1) Original by:
  - (i) Regional offices—to Regional Director of Business Affairs.
  - (ii) Office Supplies and Paper Products Branch (FPNS), New York—to Regional Director of Business Affairs, Region 2.
  - (iii) Procurement Operations Division (FPN) and Special Programs Division (FPH), Washington—to Small Business Administration Liaison Officer, and a copy to the Socio-Economic Policy Staff (FH).
- (2) First copy: All buying offices—to the appropriate case or contract file.
- (3) Second copy: All buying offices—to the local SBA representative.

(b) The Regional Director of Business Affairs, Director, Socio-Economic Policy Staff, and SBA representative shall have no more than 5 working days to review and comment if necessary on the proposed small business non-set-aside procurement. In the event any of the above determines that no action is feasible on a proposed non-set-aside, the copy of GSA Form 2689 need not be returned to the applicable contracting officer. If no response or objection is received by the contracting officer within 5 working days, the contracting officer may assume concurrence by the reviewing offices with his determination not to make a small business set-aside procurement.

(c) When SBA, BSC, or the Socio-Economic Policy Staff can provide additional small business sources or have other information which might result in a set-aside procurement the sources and/or information will be furnished to the contracting officer within the prescribed time. If time is of the essence, additional small business sources and other pertinent information may be communicated orally to the contracting officer provided such information is

later confirmed in writing. The contracting officer shall consider any suggestion received before making a final non-set-aside determination.

(d) In the event a Regional Director of Business Affairs or an SBA representative disagrees with the contracting activity's determination not to make a small business set-aside on a proposed procurement, the matter shall be resolved in accordance with §§ 1-1.706-2 and 5-1.706-50(f).

(e) The above procedure does not apply to multiple-award Federal Supply Schedule solicitations and the following commodities (and to others which may in the future be jointly determined with the SBA representative to be clearly not susceptible to Small Business Set-Asides):

- Class 2310 Passenger motor vehicles—Ambulances, sedans, station wagons, buses, limousines, hearses, ambulances (truck mounted).
- Class 2320 Trucks and truck-tractors (except armored cars and mobile health, dental, and X-ray clinic trucks).
- Class 2330 Trailers (except trailers, tilt type).
- Class 2340 Motorcycles, motor scooters, bicycles, and tricycles.
- Class 4210 Fire fighting, rescue and safety equipment (except fire fighting trucks and trailers).
- Class 7410 Punched card system machines.
- Class 7440 ADP Systems—Industrial, scientific, and office type.
- Class 7490 Embossing machines (table mounted), stencil cutting machines (electric and hand), and electric erasers.

## PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following new entry:

5A-16.950-2689 GSA Form 2689, Procurement Not Set-Aside for Small Business.

NOTE: A copy of the form illustrated in § 5A-16.950-2689 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below but may be observed earlier.

Dated: April 26, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc.72-6876 Filed 5-4-72;8:47 am]

## Chapter 24—Department of Housing and Urban Development

[Docket No. R-72-183]

## PART 24-1—GENERAL

### Subpart 24-1.7—Small Business Concerns

These amendments to the HUD procurement regulations prescribe new sections (§§ 24-1.705 through 24-1.714) which add to and revise Subpart 24-1.7, Small business concerns. The new



sections provide for both a small business advisor and specialist and set forth the duties and responsibilities of each. Small business set-asides and withdrawals are also discussed. The new sections (§§ 24-1.705 through 24-1.714), and the amendments and revisions contained herein are administrative in nature and accordingly, the public rule making procedure is unnecessary and good cause also exists for making these amendments effective upon publication in the FEDERAL REGISTER.

Accordingly, the table of contents for Part 24-1—General is revised by revising the table for Subpart 24-1.7 as follows:

#### Subpart 24-1.7—Small Business Concerns

Sec.	
24-1.700	General.
24-1.702	Small business policies.
24-1.704	[Reserved]
24-1.705	Small business advisor.
24-1.706	Small business specialist.
24-1.707	Procurement set-asides initiated by small business specialist.
24-1.708	Review of set-aside recommendations initiated by small business specialist.
24-1.709	Withdrawal or modification of set-asides.
24-1.713	HUD contracts with the Small Business Administration.
24-1.714	HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act.

**AUTHORITY:** The provisions of this Subpart 24-1.7 issued under sec. 7(d) of the Department of Housing and Urban Development Act; 42 U.S.C. 3535(a).

Part 24-1 is amended by revising Subpart 24-1.7 to read as follows:

#### Subpart 24-1.7—Small Business Concerns

##### § 24-1.700 General.

This subpart implements and supplements general policies and procedures set forth in FPR 1-1.7.

##### § 24-1.702 Small business policies.

In addition to the policies prescribed in FPR 1-1.702, organizational units of HUD having responsibility for procurement of personal property and nonpersonal services (including construction) shall cooperate with the Small Business Administration in implementing the policies and procedures in FPR 1-1.7 and in this subpart.

##### § 24-1.704 [Reserved]

##### § 24-1.705 Small business advisor.

The Director of the Office of General Services shall be designated as the Department's small business advisor for all procurement matters. The small business advisor will be responsible, as a collateral duty, for the establishment, implementation, and execution of the small business program. He will be the central point of contact for inquiries concerning the small business program from industry, the Small Business Administration (SBA), the Congress, the Office of the Secretary, and others. His duties shall include developing a plan

of operation to increase the share of contracts awarded to small business by the Department.

##### § 24-1.706 Small business specialist.

(a) *Job requirements.* Each head of an organizational unit of HUD having responsibility for procurement of personal property and nonpersonal services (including construction) shall designate by name and in writing a small business specialist for each procurement office over which he exercises control, to perform on a part-time basis the duties set forth in this section. Only individuals possessing the necessary business acumen, knowledge of the Department's procurement policies and procedures, and training and background to accomplish effectively the objective of the small business program shall be considered. In any instance, the assignment shall clearly indicate that the part-two nature of the work shall in no way relieve the individual from full responsibility for effectively accomplishing the activity's small business program requirements.

(b) *Duties of the small business specialist.* The small business specialist appointed pursuant to paragraph (a) of this section shall perform such of the following duties as are appropriate for his procurement office:

(1) Maintain a program designed to locate capable small business sources for current and future procurements;

(2) Coordinate inquiries and requests for advice from small business concerns on procurement matters;

(3) Review proposed solicitations for supplies and services, assure that small business concerns will be afforded an equitable opportunity to compete, and, as appropriate, initiate recommendations for small business set-asides;

(4) Take action to assure the availability of adequate specifications and drawings, when necessary, to obtain small business participation in a procurement;

(5) Review proposed procurements for possible breakout of items suitable for procurement from small business concerns;

(6) Advise small business concerns with respect to the financial assistance available under existing laws and regulations and assist such concerns in applying for financial assistance;

(7) Participate in determinations concerning the responsibility of a prospective small business contractor;

(8) Participate in the evaluation of a prime contractor's small business subcontracting programs;

(9) Assure that adequate records are maintained, and accurate reports prepared, concerning small business participation in the procurement program;

(10) Make available to SBA copies of solicitations, when so requested; and

(11) Act as liaison between the contracting officer and the appropriate SBA office in connection with set-asides, certificates of competency, size classification, and any other matter in which the small business program may be involved.

##### § 24-1.707 Procurement set-asides initiated by small business specialist.

The small business specialist shall initiate recommendations to the contracting officer for small business set-asides with respect to individual procurements or classes of procurements or portions thereof.

##### § 24-1.708 Review of set-aside recommendations initiated by small business specialist.

When a small business specialist has recommended that all, or a portion, of an individual procurement or class of procurements be set aside for small business, the contracting officer shall promptly either (a) concur in the recommendation, or (b) disapprove the recommendation, stating in writing his reasons for disapproval. If the contracting officer disapproves the recommendation of a small business specialist, the small business specialist may appeal to the head of the appropriate organizational unit of HUD having responsibility for the procurement, whose decision shall be final.

##### § 24-1.709 Withdrawal or modification of set-asides.

Withdrawal or modification of an individual or class set-aside which was originally established upon the recommendation of the small business specialist may be proposed by the contracting officer by giving notice, containing the reason for the proposed withdrawal or modification, to the small business specialist. If the small business specialist does not agree to a withdrawal or modification, he may appeal to the head of the appropriate organizational unit of HUD having responsibility for the procurement, whose decision shall be final.

##### § 24-1.713 HUD contracts with the Small Business Administration.

It is the policy of the Department to increase small business participation in its procurement program by awarding procurement contracts, whenever feasible, to the Small Business Administration (SBA) as authorized by section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

##### § 24-1.714 HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act.

The HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act are as follows:

(a) *8(a) program responsibility.* The HUD Assistant Secretary for Equal Opportunity shall be responsible for development of goals to be achieved under the 8(a) program. In so doing, he shall coordinate with the small business advisor to establish a level of participation to be achieved and to quantify HUD's plans for contributing to the 8(a) program. In conjunction with his responsibility for establishing 8(a) goals, the Assistant Secretary for Equal Opportunity shall make available to the small business advisor 8(a) program guides for use by the small business specialist and



contracting officers in making determinations on individual procurements that should be processed as an 8(a) contract to be awarded to SBA.

(b) *8(a) procurement responsibility.* The procurement and contracting aspects of this program shall be the responsibility of the small business advisor who shall assure that 8(a) procurement requirements are implemented through the head of each organizational unit of HUD having responsibility for procurement of personal property and non-personal services including construction.

(c) *8(a) functions of the small business specialist.* The small business specialist, acting on behalf of the small business advisor, shall screen proposed solicitations to determine the feasibility of placement under the 8(a) program as part of the performance of those duties set forth under § 24-1.706(b). The small business specialist, after consideration of the goals and guidance established pursuant to paragraph (a) of this section, shall make recommendations for 8(a) procurement to the contracting officer. The contracting officer will be reassured that all actions are in compliance with 8(a) considerations and requirements and exercise his discretion to contract with the Small Business Administration in accordance with §§ 1-1.705-7 and 1-1.713 of this title of the Federal Procurement Regulations.

(d) *8(a) reporting requirements.* The small business advisor shall report to the Assistant Secretary for Equal Opportunity on a semiannual basis covering the activities of the 8(a) program which shall include the following:

(1) A narrative statement regarding the operation of the program during the 6-month period; and

(2) The number and dollar amount of awards made to small business under the 8(a) program.

In addition to the semiannual report to the Assistant Secretary for Equal Opportunity, the small business advisor shall also report annually to the General Services Administration on Standard Form 37, the number and dollar amount of awards made to small business under the 8(a) program.

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER (5-5-72).

VINCENT J. HEARING,  
Acting Assistant Secretary  
for Administration.

[FR Doc. 72-6863 Filed 5-4-72; 8:47 am]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-2187]

## PART 13—PROHIBITED TRADE PRACTICES

### Florida Children's Wear Manufacturers' Guild, Inc.

Subpart—Combining or conspiring;  
§ 13.385 To boycott seller-suppliers;

§ 13.410 To eliminate competition in conspirators' goods; § 13.470 To restrain and monopolize trade. Subpart—Cutting off access to customers or market; § 13.590 Threatening and boycotting competitors.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Florida Children's Wear Manufacturers' Guild, Inc., Miami, Fla., Docket No. C-2187, Apr. 3, 1972]

### In the Matter of Florida Children's Wear Manufacturers' Guild, Inc., a Corporation

Consent order requiring a Miami, Fla., trade association of 22 manufacturers of children's apparel in the State of Florida to cease refusing to permit participation in its annual trade shows of any producer of such goods in Florida and requiring as a condition of membership to refrain from any legal action against respondent; it is further ordered that all manufacturers previously denied participation be notified that they are no longer barred from respondent's trade shows.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That respondent and its officers, agents, representatives, employees, successors, and assigns, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of children's apparel and accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Refusing or threatening to refuse to permit participation in any trade show of children's apparel or accessories, to any manufacturer who in fact causes said merchandise to be produced within the borders of the State of Florida.

2. Prohibiting or forbidding any manufacturer of children's apparel or accessories from having his merchandise displayed, exhibited, sold, advertised, promoted, or offered for sale, either alone or in conjunction with others, at any time or at any place said manufacturer may choose to do so.

3. Requiring of any manufacturer of children's apparel or accessories, as a condition to membership or trade show participation, to agree to refrain from instituting any legal action against respondent.

4. Refusing, or threatening to refuse participation at any trade shows of children's apparel or accessories to any manufacturer whose merchandise is manufactured within the borders of the State of Florida, who did not give consideration to or did not comply with any demand that respondent made, suggested, or urged upon said manufacturer.

5. Combining or conspiring with any person or firm to prohibit any manufacturer or salesman of children's apparel from showing or advertising his merchandise in any manner, method, or place of his choosing.

6. Nothing contained herein shall prevent respondent from retaining, adopting, and enforcing reasonable regulations for the registration and conduct of members and buyers at trade shows,

including the assignment of specifically designated show areas, so long as such regulations are not misused as devices to unreasonably restrain trade.

II. It is further ordered, That respondent shall cease and desist from operating any trade show unless and until:

1. All manufacturers who have been denied membership or trade show participation in the past by virtue of any reason which contravenes, in whole or in part, any of the provisions of this order, are notified that their merchandise is no longer prohibited from being shown at respondent's trade shows.

2. All provisions or restrictions appearing in any contract, agreement, or understanding between respondent and any third party which contravenes, in whole or in part, the letter or spirit of any of the provisions of this order, are withdrawn and canceled.

3. All manufacturers of children's apparel known to respondent, any of whose children's apparel is manufactured within the State of Florida, are advised in writing that they are eligible to participate in respondent's trade shows.

III. It is further ordered, That respondent trade association, within sixty (60) days from the effective date of this order, shall:

1. Mail a conformed copy of this order to each manufacturer of children's apparel or accessories known to respondent who produces said merchandise within the State of Florida.

2. File with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That respondent trade association notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance with obligations arising out of the order.

Issued: April 3, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 72-6872 Filed 5-4-72; 8:47 am]

[Docket No. C-2186]

## PART 13—PROHIBITED TRADE PRACTICES

### H & R Enterprises, Inc., and Walter B. Harrison

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections: 13.15-20 Business methods and policies; § 13.60 Earnings and profits, § 13.115 Jobs and employment service.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H & R Enterprises, Inc., et al., Seattle, Wash., Docket No. C-2186, Mar. 31, 1972]



*In the Matter of H & R Enterprises, Inc., a Corporation, and Walter B. Harrison, Individually and as an Officer of Said Corporation*

Consent order requiring a Seattle, Wash., school offering courses in computer card key punch training to cease misrepresenting that its inquiries are for the purpose of offering employment to qualified applicants, that the salaries of its graduates will be above average, that respondents have been retained by companies to train key punch operators, and minimizing the time required to obtain a certificate.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents H & R Enterprises, Inc., a corporation, and its officers, and Walter B. Harrison, individually and as an officer of said corporation, and their successors and assigns and respondents' officers, agents, representatives, and employees directly, or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale or distribution of courses of study, training, or instruction in the field of key punch training or any other subject, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, orally or in writing, directly or by implication, that:

1. Inquiries are solicited for the purpose of offering employment to qualified applicants.

2. Upon completion of respondents' course and by virtue thereof, graduates will obtain employment with a starting salary in excess of those obtained by the average graduate of respondents' courses of instruction.

3. The respondents have been retained by companies to train key punch operators for them.

4. Key punch operators will normally complete their training in a few short weeks, 8 to 12 weeks, after a short training period, or other period of time that is less than the average or mean time required by respondents' graduates to obtain the proficiency required to obtain a certificate from respondents.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to any operating divisions organized and operated after the date hereof.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all future personnel of respondents engaged in the offering for sale or sale of any course of instruction or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of sub-

sidaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 31, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 72-6873 Filed 5-4-72; 8:47 am]

[Docket No. C-2180, etc.]

**PART 13—PROHIBITED TRADE PRACTICES**

**Lorillard et al.**

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety*: 13.195-60  
Product. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpretations or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, Lorillard et al., New York, N.Y., et al., Dockets Nos. C-2180 et al., Mar. 30, 1972]

*In the Matter of Lorillard, a Division of Loew's Theatres, Inc., a Corporation, Docket No. C-2180; Philip Morris, Inc., a Corporation, Docket No. C-2181; American Brands, Inc., a Corporation, Docket No. C-2182; Brown and Williamson Tobacco Corp., a Corporation, Docket No. C-2183; R. J. Reynolds Tobacco Co., a Corporation, Docket No. C-2184; Liggett & Myers, Inc., a Corporation, Docket No. C-2185*

Consent orders requiring six major cigarette manufacturers and distributors to include in all their cigarette advertisements a clear and conspicuous disclosure of the statement: "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health." The orders further provide the manner in which the statement shall be presented in newspapers, magazines, and other periodical advertising, on billboards, on all point-of-sale promotional materials, and on all non-point-of-sale materials. The orders are not applicable to signs on factories, plants and warehouses, in financial reports, and in trade publications not circulating to consumers.

The orders to cease and desist, including further orders requiring reports of compliance, are as follows:

I: It is ordered, That each of the respondents named in the caption, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale, or distribution of cigarettes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist

from advertising any such cigarette unless respondent makes in all advertisements of such cigarette a clear and conspicuous disclosure of the statement prescribed in section 4 of the Public Health Cigarette Smoking Act of 1969 (Public Law 91-222) which reads:

Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health.

A. For the purposes of this order, the term "cigarette" shall mean (A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

B. For the purposes of this order, the term "advertisement" shall mean all advertising in newspapers, magazines, and other periodicals published and distributed in the United States and other periodicals distributed primarily to members or units of the Armed Forces of the United States located abroad, and advertisements appearing on billboards placed or located within the United States and in other materials as specified in sections D, E, and F.

C. For the purposes of this order, the term "clear and conspicuous disclosure" shall mean that:

1. The language of the warning statement shall be precisely as prescribed by Congress in section 4 of the Public Health Cigarette Smoking Act of 1969.

2. The warning statement shall be set in two horizontal lines parallel with the base of the advertisement, separated by leading equivalent to the lower case "x-height", excluding the ascending and descending letters, of the particular type size. In any case where the width of an advertisement in any printed medium is too narrow because of the columnar format, the warning statement may appear in three lines provided there is full compliance with all other requirements in this definition.

3. The warning statement in newspaper, magazine, and other periodical advertisements shall appear in Univers 47 (Foundry) type style. The type size to be employed shall be the following:

10-point type....In newspaper, magazine, and other periodical advertisements of a trim size not larger than 65 square inches.  
12-point type....In newspaper, magazine, and other periodical advertisements of a trim size larger than 65 square inches but not larger than 110 square inches.  
14-point type....In newspaper, magazine, and other periodical advertisements of a trim size larger than 110 square inches but not larger than 180 square inches.  
16-point type....In newspaper, magazine, and other periodical advertisements of a trim size larger than 180 square inches.

A double full-page or a multiple full-page advertisement in any nontabloid newspaper shall contain a separate warning statement in 16-point type on each page. A double full-page or multiple full-page advertisement in any tabloid newspaper,



magazine, or other periodical shall not be required to contain more than one warning statement but the type size requirement shall be determined by the total aggregated size of the entire advertisement.

An advertisement which occupies one full page and part of another page in any newspaper, magazine, or other periodical shall not be required to contain more than one warning statement, but the type size requirement shall be determined by the total aggregated size of the entire advertisement, and the warning statement shall appear on the full page on which the advertisement appears. An advertisement which occupies part of each of two or more pages in any newspaper, magazine, or other periodical shall not be required to contain more than one warning statement, but the type size requirement shall be determined by the total aggregated size of the entire advertisement, and the warning statement shall appear on that page which contains the greater (or greatest) part of the advertisement.

4. Every warning statement shall be set in a ruled rectangle. The size of the rectangle shall be determined by providing at both ends and at both top and bottom a space between the type block and the enclosing rule not less than the following spaces: Where 10-point type is used in the warning statement, the rule shall be 8 points away from the type block; where 12-point type is used in the warning statement, the rule shall be 10 points away from the type block; where 14-point type is used in the warning statement, the rule shall be 12 points away from the type block; and where 16-point type is used in the warning statement, the rule shall be 14 points away from the type block. The width of the rule enclosing the rectangle shall be  $\frac{1}{4}$  point where 10-point type is used in the warning statement;  $\frac{1}{2}$  point where 12-point type is used in the warning statement;  $\frac{3}{4}$  point where 14-point type is used in the warning statement; and 1 point where 16-point type is used in the warning statement.

5. The warning statement shall be printed in black against a solid white background within the rectangle, and the enclosing rule shall be printed in black.

6. The warning statement in its rectangle in any newspaper, magazine, or other periodical advertisement shall be a separate element in each advertisement and shall not contain or include any part of any picture, design, illustration, or text within the advertisement. The warning statement in its rectangle shall not be contained or included as an integral part of any specific pictorial design or illustration; in particular, it shall not be made a constituent part of a reproduction of the package of cigarettes. The warning statement in its rectangle may be printed or superimposed upon any pictorial background portion of any advertisement.

7. The warning statement in its rectangle in any newspaper, magazine, or other periodical advertisement may be positioned anywhere within the trim area

of the advertisement, but shall not be positioned in the margin of any advertisement. The rectangle shall not be positioned immediately next to, or immediately contiguous to, any rectangular designs, elements, or similar geometric forms (other than a picture of the cigarette package) or immediately contiguous to any textual matter appearing in the advertisement.

8. Blurring or illegibility of the warning statement in its rectangle occurring for reasons beyond the control of the respondent shall not be in violation of this order.

D. On billboards of a size 24 sheets and larger, the type size of the warning statement shall be not less than 2 inches in height, and the rectangle and the enclosing rule shall be of a size, shape, contrast, and placement, proportionately corresponding to those specified in subsections C-1, -2, -4, -5, -6, and -7 for newspaper, magazine, and other periodical advertisements of a trim size larger than 180 square inches. On billboards of a size 6, 7, and 8 sheets the type size shall be not less than  $\frac{3}{4}$  inch, on those of a size 2 through 5 sheets the type size shall be not less than  $\frac{1}{2}$  inch, and the rectangle and the enclosing rule shall be of a size, shape, contrast and placement, proportionately corresponding to those specified in subsections C-1, -2, -4, -5, -6, and -7 for newspaper, magazine, and other periodical advertisements of a trim size larger than 180 square inches. On 1-sheet billboards the type size shall be not less than 24 points, and the rectangle and the enclosing rule shall be of a size, shape, contrast and placement, proportionately corresponding to those specified in subsections C-1, -2, -4, -5, -6, and -7 for newspaper, magazine, and other periodical advertisements of a trim size larger than 180 square inches. On all public transit side cards of any shape the type size shall be not less than 18 points, and the rectangle and the enclosing rule shall be of a size, shape, contrast and placement, proportionately corresponding to those specified in subsections C-1, -2, -4, -5, -6, and -7 for newspaper, magazine, and other periodical advertisements of a trim size larger than 180 square inches. All public transit end cards shall comply with the minimum requirements for 1-sheet billboards. The type style on any billboard or transit card shall be Univers 47 (Foundry) or a similar font.

E. On all point-of-sale promotional materials exhibited to cigarette purchasers, which have a surface containing an advertising display area of more than 36 square inches, the warning statement within its rectangle shall be included in a type size proportional to the type size specified in the nearest page size category for newspaper, magazine, and other periodical advertisements, as specified in subsections C-1, -2, -3, -4, -5, -6, and -7. In determining the size of the advertising display area in point-of-sale promotional materials consisting of two or more pages, the total advertising display area of each page on which any

printed or graphic material appears shall be aggregated, and where the aggregate of the advertising display area, on which any printed or graphic material appears, exceeds 36 square inches, the warning statement within its rectangle shall be placed on one of those pages and proportionalized to the size of that page in accordance with section C. The warning statement shall not be required on any nonmedia advertising and promotional materials offered or given to consumers; nor shall the warning statement be required on any promotional materials which are not for public display or public consumer exposure, and are distributed to cigarette wholesalers, dealers, and merchants.

F. All advertising contained in non-point-of-sale leaflets, direct-mail circulars, paperback book inserts, and programs shall contain the warning statement within its rectangle in a type size proportional to the type size specified in the nearest page size category for newspaper, magazine, and other periodical advertisements, as specified in subsections C-1, -2, -3, -4, -5, -6, and -7.

G. Sections C, D, E, and F of this Order shall become effective sixty (60) days after it is finally issued, but to meet the general and ordinary deadlines for submission of advertising copy established by the medium by or in which the advertisement is to appear, the requirements of sections C, D, E, and F shall not be applicable (a) to newspaper, magazine, or other periodical advertising for which the closing date on which an advertiser must, according to the regular schedule of that newspaper, magazine, or other periodical, deliver the advertising material in final form to the printer, to the publisher, or as to spectacolor-type, to the production house, is less than forty-five (45) days after the date on which this order shall become effective; (b) to advertising appearing on billboards for which copy must, according to the earliest practical date for replacement, be delivered in final form to the printer or painted or assembled on such billboards less than forty-five (45) days after the date on which this order shall become effective, but in any event, as to advertising appearing on billboards sections C, D, E, and F shall become applicable one hundred eighty (180) days from the date this order shall become effective; (c) to advertising printed on non-point-of-sale leaflets, direct-mail circulars, paperback book inserts, and programs which is delivered in final form to the printer less than forty-five (45) days after the date on which this order shall become effective, but in any event, as to advertising printed on non-point-of-sale leaflets, direct-mail circulars, paperback book inserts, and programs, sections C, D, E, and F shall become applicable one hundred forty (140) days from the date this order shall become effective; or (d) to point-of-sale promotional materials exhibited to cigarette purchasers, which have a surface containing an advertising display area of more than 36 square inches, delivered in



final form to the printer less than forty-five (45) days from the date this order shall become effective.

H. This order shall not be applicable to signs on factories, plants, warehouses, and other facilities related to the manufacture or factory storage of cigarettes, to corporate or financial reports, or to employment advertising, or to advertising in tobacco trade publications not circulated to consumers.

II. *It is further ordered*, That each of the respondent corporations shall forthwith distribute a copy of this order to each of its operating divisions or departments.

*It is further ordered*, That each of the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That each of the respondents shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 30, 1972.

By the Commission: Commissioner Jones' statement is attached.<sup>1</sup>

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-6874 Filed 5-4-72; 8:47 am]

[Docket No. 7453]

## PART 13—PROHIBITED TRADE PRACTICES

### National Tea Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*: 13.5–20 Business methods and policies.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Modified order, National Tea Co., Chicago, Ill., Docket No. 7453, Mar. 23, 1972]

*In the Matter of National Tea Co., a Corporation*

Order reopening and modifying an earlier order, 30 F.R. 6300, dated March 4, 1966, which prohibited petitioner from acquiring stock of other food product retailers for a period of 10 years by bringing its provisions more into line with orders involving other food chains issued since 1967.

The modified order to cease and desist, including further order requiring report of compliance therewith is as follows:

*It is ordered* That for a period of ten (10) years from May 4, 1966, National Tea Co. shall not (A) merge with or ac-

<sup>1</sup> Copies of the statement may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW.

quire, directly or indirectly, through subsidiaries, or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any grocery store (an establishment classified in Industry No. 5411, Standard Industrial Classification Manual, 1967 revision, or a grocery department in a nonfood store), where such acquisition or merger involves (1) five or more grocery stores, (2) annual grocery store sales of more than five (5) million dollars, or (3) combined (respondent and the grocery stores to be acquired or merged) grocery store sales of more than five (5) percent of total grocery or foodstore sales in any city or county in the United States; and (B) without sixty (60) days prior notification to the Commission, merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any grocery store establishment for which prior approval is not required pursuant to subparagraph A.

Within thirty (30) days from the effective date of this order, and annually thereafter until it has fully complied with this order, National Tea Co. shall submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this order.

*It is further ordered*, That petitioner's request that confidential treatment be accorded those tables and charts which it has designated "Confidential" be, and it hereby is, granted.

Issued: March 23, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-6875 Filed 5-4-72; 8:47 am]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 28—PUBLIC ACCESS, USE AND RECREATION

##### Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (5-5-72).

§ 28.28 *Special regulations, public access, use, and recreation; for individual wildlife refuge areas.*

##### NEW JERSEY

###### BRIGANTINE NATIONAL WILDLIFE REFUGE

Public access, during daylight hours, for the purpose of nature study, wildlife observation, photography, picnicking, hiking, swimming, and sunbathing is permitted. Access on foot is permitted except in areas posted as closed, and by motor vehicle on designated travel routes.

Pets are allowed if on a leash not exceeding 10 feet in length. Hunting and fishing are permitted under special regulations.

Refuge public use areas, comprising more than 19,385 acres, and respective permissible activities, are designated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

WILLARD M. SPAULDING, Jr.,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 28, 1972.

[FR Doc.72-6877 Filed 5-4-72; 8:48 am]

## PART 33—SPORT FISHING

### Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (5-5-72).

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

##### NEW JERSEY

###### BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the sand beach on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge through December 31, 1972, except from those areas posted as closed.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1972. The possession of fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and South Tower parking areas.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and one mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

WILLARD M. SPAULDING, Jr.,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 28, 1972.

[FR Doc.72-6878 Filed 5-4-72; 8:48 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-72-182]

## PART 242—HOSPITALS

### Prepayment Privilege and Prepayment Charges

Pursuant to sections 211 and 242 of the National Housing Act (12 U.S.C. 1715b,

1715z-7) and the Secretary's delegation of authority (36 F.R. 5006), Part 242 of the regulations is amended so that no prepayment charge will be collected from a nonprofit mortgagor when the HUD insured mortgage is reduced by reason of a loan guaranteed by the U.S. Department of Health, Education, and Welfare.

The Secretary finds that it is impracticable to provide for comment and public procedure with respect to this amendment, and good cause exists for making these regulations effective upon publication in the FEDERAL REGISTER.

A new (iv) is added to § 242.51(b) (2) to read as follows:

§ 242.51 Prepayment privilege and prepayment charges.

(b) \* \* \*

(2) \* \* \*

(iv) No charge shall be made where the prepayment is made from the proceeds of a loan guaranteed by the U.S. Department of Health, Education, and Welfare.

*Effective date.* This amendment is effective upon publication in the FEDERAL REGISTER (5-5-72).

Issued at Washington, D.C., May 1, 1972.

EUGENE A. GULLEDGE,  
Assistant Secretary for Housing  
Production and Mortgage  
Credit-FHA Commissioner.

[FR Doc.72-6862 Filed 5-4-72;8:47 am]

## Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b); or (4) the effective date of a community's withdrawal from the program. The entry reads as follows:

#### § 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
***	***	***	***	***	***	***
Alabama	Baldwin	Unincorporated areas.				Apr. 30, 1971 Emergency. Dec. 31, 1971 Suspension. May 5, 1972 Reinstatement.
Do.	Mobile	do.				Dec. 11, 1970 Emergency. Jan. 7, 1972 Regular. Dec. 31, 1971 Suspension. May 5, 1972 Reinstatement.
Arizona	Pinal	Casa Grande				May 5, 1972 Emergency.
Arkansas	Yell	Dardanelle				June 30, 1970 Regular. Dec. 31, 1971 Suspension.
California	Los Angeles	Pasadena	I 06 037 2700 04 through I 06 037 2700 13	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802.  California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Feb. 23, 1971 Emergency. May 5, 1972 Regular.
Do.	Tulare	Porterville				Apr. 2, 1971 Emergency. Dec. 31, 1971 Suspension.
Florida	Franklin	Unincorporated areas.				Aug. 13, 1971 Emergency. Dec. 31, 1971 Suspension.
Do.	St. Johns	Hastings				Sept. 25, 1970 Emergency. Dec. 31, 1971 Suspension.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do.	Nassau	Unincorporated areas.				July 9, 1971 Emergency. Dec. 31, 1971
Do.	Pasco	Unincorporated areas.				Suspension. Sept. 24, 1971 Emergency. Dec. 31, 1971
Do.	Palm Beach	Manalapan				Suspension. July 17, 1970 Emergency. Oct. 30, 1970 Regular. Mar. 1, 1972 Withdrawn. May 5, 1972
Indiana	St. Joseph	Roseland				Emergency. Do.
Do.	Washington	Salem				Apr. 9, 1971 Emergency. Dec. 31, 1971
Iowa	Allamakee	Lansing				Suspension. Dec. 23, 1971 Emergency. Dec. 31, 1971
Kentucky	Jefferson	Jeffersonton				Suspension. Mar. 17, 1972 Reinstatement. Aug. 13, 1971 Emergency. Dec. 31, 1971
Do.	do.	Shively				Suspension. Mar. 17, 1972 Reinstatement. Dec. 3, 1971 Emergency. Dec. 31, 1971
Do.	do.	St. Matthews				Suspension. Mar. 17, 1972 Reinstatement. May 5, 1972 Emergency. Do.
Maryland	Harford	Unincorporated areas.				Aug. 12, 1970 Emergency. May 5, 1972 Regular.
Michigan	Oakland	Birmingham	I 27 027 0000 02 through I 27 027 0000 21	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Office of the Codes Administrator, Clay County Planning Commission, Post Office Box 533, Moorehead, MN 56560.	
Minnesota	Clay	Unincorporated areas.		Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.		
Missouri	Cape Girardeau	Cape Girardeau				Dec. 23, 1971 Emergency. Dec. 31, 1971
Do.	Stoddard	Dexter				Suspension. Aug. 13, 1971 Emergency. Dec. 31, 1971
Do.	Gasconade	Hermann				Suspension. Aug. 13, 1971 Emergency. Dec. 31, 1971
Do.	Cole	Jefferson City				Suspension. Apr. 23, 1971 Emergency. Dec. 31, 1971
Do.	Scotland	Memphis				Suspension. Nov. 5, 1971 Emergency. Dec. 31, 1971
New Jersey	Bergen	Garfield				Suspension. May 5, 1972 Emergency. Oct. 29, 1971
Pennsylvania	Perry	Wheatfield Township.				Emergency. Dec. 31, 1971 Suspension. May 5, 1972 Emergency.
Rhode Island	Providence	Lincoln				Emergency. Feb. 26, 1971 Emergency. Dec. 31, 1971
South Carolina	Georgetown	Unincorporated areas.				Suspension. Oct. 1, 1971 Emergency. Dec. 31, 1971
Do.	Horry	Unincorporated areas.				Suspension. May 5, 1972 Emergency. June 19, 1970
South Dakota	Stanley	Fort Pierre				Emergency. Mar. 26, 1971 Regular. Dec. 31, 1971
Texas	Nueces	Agua Dulce				Suspension. Sept. 25, 1970 Emergency. Aug. 13, 1971
Do.	Kleberg	Unincorporated areas.				Regular. Dec. 31, 1971 Suspension. June 19, 1970
Do.	Matagorda	do.				Emergency. Apr. 30, 1971 Regular. Dec. 31, 1971 Suspension.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do.	Dallas	Mesquite				July 24, 1970 Emergency. July 30, 1971 Regular. Dec. 31, 1971 Suspension. Nov. 6, 1970
Do.	Orange	Unincorporated areas.				Emergency. May 14, 1971 Regular. Dec. 31, 1971 Suspension. Dec. 31, 1970
Do.	Montgomery	Pinehurst				Emergency. July 2, 1971 Regular. Dec. 31, 1971 Suspension. July 17, 1970
Virginia		Chesapeake				Emergency. Dec. 31, 1971 Withdrawal. June 30, 1970
Do.	Russell	Cleveland				Emergency. Feb. 19, 1971 Regular. Dec. 31, 1971 Suspension. June 19, 1970
Do.	Dickenson	Hays				Emergency. Feb. 26, 1971 Dec. 31, 1971 Suspension. June 19, 1970
Do.		Waynesboro				Emergency. July 2, 1971 Regular. Dec. 31, 1971 Suspension. Apr. 9, 1971
Wisconsin	Crawford	Soldiers Grove				Emergency. Dec. 31, 1971 Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 28, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.72-6796 Filed 5-4-72;8:45 am]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

### List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

#### § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
***	***	***	***	***	***	***
Arizona	Pinal	Casa Grande				May 5, 1972.
California	Los Angeles	Pasadena	H 06 037 2700 04 through H 06 037 2700 13	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Feb. 23, 1971.
Indian	St. Joseph	Roseland				May 5, 1972.
Don	Washington	Salem				Do.
Maryland	Harford	Unincorporated areas.				Do.
Michigan	Oakland	Birmingham				Do.
Minnesota	Clay	Unincorporated areas.	H 27 027 0000 02 through H 27 027 0000 21	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the Codes Administrator, Clay County Planning Commission, Post Office Box 533, Moorehead, MN 56560.	Aug. 12, 1970.
New Jersey	Bergen	Garfield				May 5, 1972.
Rhode Island	Providence	Lincoln				May 5, 1972.
South Dakota	Stanley	Fort Pierre				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 28, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.72-6797 Filed 5-4-72;8:45 am]



## Title 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

#### PUBLIC INFORMATION

##### Miscellaneous Amendments

Whereas, on April 1, 1972, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations (37 F.R. 6696) of April 1, 1972; and

Whereas more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on May 6, 1972, as follows:

#### PART 1606—GENERAL ADMINISTRATION

§§ 1606.31, 1606.32, 1606.34, 1606.35, 1606.37–1606.42, 1606.55–1606.63 [Revoked]

Section 1606.31 *What records confidential*, is revoked.

Section 1606.32 *Availability and use of confidential records and information*, is revoked.

Section 1606.34 *Waiver of confidential nature of information*, is revoked.

Section 1606.35 *Subpena of records*, is revoked.

Section 1606.37 *Disclosure or furnishing of information relating to physical or mental condition*, is revoked.

Section 1606.38 *"Disclose," "furnish," and "examine" defined*, is revoked.

Section 1606.39 *Searching or handling records*, is revoked.

Section 1606.40 *Furnishing lists of registrants*, is revoked.

Section 1606.41 *Addresses of registrants*, is revoked.

Section 1606.42 *Disclosing information to former employers*, is revoked.

Section 1606.55 *Information to be made available*, is revoked.

Section 1606.56 *General policy*, is revoked.

Section 1606.57 *Service charges for information*, is revoked.

Section 1606.58 *Places where information may be obtained*, is revoked.

Section 1606.59 *Time for obtaining information*, is revoked.

Section 1606.60 *Identification of information requested*, is revoked.

Section 1606.61 *Public information policy*, is revoked.

Section 1606.62 *Requests for names, addresses, and personal data concerning board members, government appeal agents, advisors and other officials*, is revoked.

Section 1606.63 *Demands of courts or other authorities for records or in-*

*formation protected by these regulations*, is revoked.

#### PART 1608—PUBLIC INFORMATION

Part 1608 formerly entitled *Payment for Personal Services*, is amended to read as follows:

- |         |   |
|---------|---|
| Sec.    |   |
| 1608.1  | Public information policy.  |
| 1608.2  | General policy on disclosure of information.  |
| 1608.3  | Availability and use of information in registrants' files.  |
| 1608.4  | Waiver of confidential nature of information on registrants' files.                               |
| 1608.5  | Subpena of records.   |
| 1608.6  | Disclosure or furnishing of information relating to physical or mental condition of registrants.  |
| 1608.7  | "Disclosure," "furnish," and "examine" defined.   |
| 1608.8  | Searching or handling records.  |
| 1608.9  | Furnishing lists of registrants.  |
| 1608.10 | Addresses of registrants.   |
| 1608.11 | Disclosing information to former employers of registrants.  |
| 1608.12 | Available information.  |
| 1608.13 | Places where information may be obtained.   |
| 1608.14 | Rules governing the obtaining of information.   |
| 1608.15 | Identification of information requested.  |
| 1608.16 | Review of denials of requests for information.  |
| 1608.17 | Demands of courts or other authorities for records or information protected by these regulations. |

**AUTHORITY:** The provisions of this Part 1608 issued under Military Selective Service Act, as amended; 50 App. U.S.C. secs. 451 et seq.; § 1604.1, Selective Service Regulations; 32 CFR 1604.1.

##### § 1608.1 Public information policy.

In addition to the policies relative to the disclosure of information when requested by a member of the public, the Selective Service System has a positive public information policy under which information is brought to the attention of the public. Under this policy, the Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, the application of the Military Selective Service Act, Selective Service Regulations, and the functions of the Selective Service System.

##### § 1608.2 General policy on disclosure of information.

(a) Title 5, United States Code Section 552 provides in part that each agency of the Federal Government shall make available for public inspection and copying statements of policy and interpretations which have been adopted by the agency and have not been published in the Federal Register as well as administrative staff manuals and instructions to staff that affect a member of the public. The aforementioned section also provides in part that each agency of the Federal Government, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and

procedures to be followed, shall make the records available to any person.

(b) It is the general policy of the Selective Service System to make information available to the public even though it has been published in the Federal Register unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters or other documents the disclosure of which would interfere with the functions of the Selective Service System. The Director of Selective Service reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the interests of the individual or individuals involved.

(c) The records in a registrant's file and the information contained in such records shall be confidential.

(d) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

##### § 1608.3 Availability and use of information in registrants' files.

(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority dated and signed by the registrant: *Provided*, That, whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of 1 year from its date.

(2) The legal representative of a deceased or incompetent registrant.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) Any other agency, official, or employee, or class or group of officials or employees of the United States or any State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, a U.S. attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.



(c) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(d) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

(e) Where a registrant has been indicted under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his selective service file free of charge. Any other registrant may secure a copy of his file upon payment of the fees prescribed in § 1608.12(b).

**§ 1608.4 Waiver of confidential nature of information on registrants' files.**

The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

**§ 1608.5 Subpena of records.**

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

**§ 1608.6 Disclosure or furnishing of information relating to physical or mental condition of registrants.**

Information relating to the physical or mental condition of a registrant may only be disclosed or furnished to the appropriate civil authorities by a medical advisor to the State Director of Selective Service or a medical advisor to the local board where he is required by law to report diseases or defects.

**§ 1608.7 "Disclose," "furnish," and "examine" defined.**

When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

**§ 1608.8 Searching or handling records.**

Except as specifically provided in the regulations in this part or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

**§ 1608.9 Furnishing lists of registrants.**

Lists of registrants may be prepared and posted or furnished only as provided in the regulations in this part or in accordance with written instructions from the Director of Selective Service.

**§ 1608.10 Addresses of registrants.**

The addresses of registrants are confidential information.

**§ 1608.11 Disclosing information to former employers of registrants.**

A State Director of Selective Service may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

**§ 1608.12 Available information.**

(a) Upon request, current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each

individual requesting such documents shall be entitled to only one copy of each document.

(b) (1) For processed copies of File Folder (SSS Form 101) or other identifiable records or documents prepared on Selective Service System equipment, the requester will pay 25 cents per page.

(2) For copies of File Folder (SSS Form 101) or other identifiable records or documents reproduced by a private concern, the requested will assume the expense of copying. The Selective Service System employee's time to monitor the reproduction, computed from the time of his departure until his return to his post, will be charged by the Selective Service System to the requester at the rate of \$1 per quarter-hour after the first quarter-hour. (See § 1608.3(e) for circumstances when file folder will be furnished registrants without charge.)

(3) Copies will not be released to any requester until these fees are paid in full by money order payable to the Selective Service System.

(4) Copying of records as prescribed by this section is a service provided to registrants and members of the public. Except as provided in § 1608.3(e), the Director may without notice suspend this service at any selective service site if its continuation would impede the effective operation of the office located at the site.

(c) Copies of Selective Service Regulations (32 CFR Chapter XVI) and the Registrants Processing Manual are offered for sale and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State, or at the Office of Public Information, National Headquarters, Selective Service System.

(e) Each local board maintains a Classification Record (SSS Form 102), which contains the name, selective service number, and the current and past classifications for each person registered with that board. This record is open to inspection by the public.

(f) (1) In accordance with Federal Personnel Manual Letter 294-1, March 17, 1966, issued by the Civil Service Commission, the names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(2) The names of board members and advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(3) In accordance with the reasoning of Federal Personnel Manual Letter 711-8, August 2, 1967, issued by the Civil Service Commission, the home addresses and other personal data concerning the officials designated in subparagraph (2) of this paragraph will not be released unless the person to whom the data relates consents to such release or the board chairman determines in writing,



after consultation with the person to whom the data relates, that disclosure would not harm such person, and would not constitute a clearly unwarranted invasion of his personal privacy.

**§ 1608.13 Places where information may be obtained.**

(a) The information contained in a registrant's selective service file is confidential, and may be revealed only upon strict compliance with the provisions of 1608.3 of this part. Requests for information concerning a registrant shall be addressed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the Office of Public Information, National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State shall be addressed to the State Director of Selective Service involved. Addresses of the offices of the State Directors of Selective Service are as follows:

State	Address
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200-A Administration Building).
Colorado	Building 53, Room B 2906, Denver Federal Center, Post Office Box 25200, Denver, CO 80225.
Connecticut	Post Office Box 1558, Hartford, CT 06101.
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia	441 G Street NW., Washington, DC 20001.
Florida	19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agaña, GU 96910. (Ricardo Calvo Building, Second Floor, Hernan Cortes Avenue and Soledad Drive.)
Hawaii	Post Office Box 4006, Honolulu, HI 96813. (Hawaiian Life Building, Fifth Floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813.)

State	Address	State	Address
Idaho	550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.	Puerto Rico	398 Fernandez Juncos Avenue, San Juan, PR 00906.
Illinois	528 South Fifth, Springfield, IL 62701.	Rhode Island	1 Washington Avenue, Providence, RI 02905.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.	South Carolina	1801 Assembly Street, Columbia, SC 29201.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50315.	South Dakota	Annex Box 3105, Rapid City, SD 57701.
Kansas	New England Building, Suite 320, 503 Kansas Avenue, Topeka, KS 66603.	Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Kentucky	220 Steele Street, Frankfort, KY 40601.	Texas	Room G161 Federal Building, 300 East Eighth Street, Austin, TX 78701.
Louisiana	Building 601-5-A, 4400 Dauphine Street, New Orleans, LA 70140.	Utah	333 South Second East, Salt Lake City, UT 84111.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.	Vermont	Federal Building, Post Office Box 308, Montpelier, VT 05602.
Maryland	31 Hopkins Plaza, Room 1119, Baltimore, MD 21201.	Virginia	400 North Eighth Street, Richmond, VA 23240.
Massachusetts	John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, MA 02203.	Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.
Michigan	Post Office Box 626, Lansing, MI 48903. (Arnold Building, 1120 East May Street, Lansing, MI.)	Washington	Post Office Box 5247, Tacoma, WA 98405. (Washington National Guard Armory, South 10th and Yakima.)
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.	West Virginia	Federal Office Building, Charleston, W. Va. 25301.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.	Wisconsin	Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.
Missouri	411 Madison Street, Jefferson City, MO 65101.	Wyoming	308 West 21st Street, Cheyenne, WY 82001.
Montana	Post Office Box 1183, Helena, MT 59601. (616 Helena Avenue, Helena, MT.)		
Nebraska	941 O Street, Lincoln, NE 68508.		
Nevada	1511 North Carson Street, Carson City, NV 89701.		
New Hampshire	55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.		
New Jersey	402 East State Street, Trenton, NJ 08608.		
New Mexico	Post Office Box 5175, Santa Fe, NM 87501. (The New Mexico National Guard Complex, 2600 Cerillos Road.)		
New York	Federal Building, 441 Broadway, Albany, NY 12207.		
New York City	Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.		
North Carolina	310 New Bern Avenue, Post Office Box 26008, Room 448, Raleigh, NC 27611.		
North Dakota	Federal Building, Post Office Box 1417, Bismarck, ND 58501.		
Ohio	85 Marconi Boulevard, Columbus, OH 43215.		
Oklahoma	417 Post Office Courthouse Building, Oklahoma City, OK 73101.		
Oregon	355 Belmont Street NE., Salem, OR 97301.		
Pennsylvania	Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17108.		

**§ 1608.14 Rules governing the obtaining of information.**

(a) A request for information under this part must be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of identifiable documents and registrants' files must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of selective service files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

**§ 1608.15 Identification of information requested.**

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an



identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

**§ 1608.16 Review of denials of requests for information.**

(a) Complaints concerning possible abuse of discretion granted selective service employees under this section or failure to respond to inquiries or denial of information shall be directed to the state director in the case of state headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied pursuant to paragraph (a) of this section may petition the General Counsel, Selective Service System, National Headquarters, 1724 F Street NW., Washington, DC 20435, for appropriate action on the request. The General Counsel's decision shall be the final action of the Selective Service System.

**§ 1608.17 Demands of courts or other authorities for records or information protected by these regulations.**

(a) Authority to release records or information the disclosure of which is prohibited or restricted by the regulations in this part, including personal information bearing on the qualifications of an official to serve in the position he occupies, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by an employee of the System without prior approval of the Director.

(1) Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Regional Counsel responsible for the U.S. District in which the issuing court or other authority is located.

(2) The Regional Counsel shall without delay notify the appropriate U.S. attorney and immediately request instructions from the Director of Selective Service through the Office of the General Counsel, National Headquarters, Selective Service System.

(3) If response to the demand is required before instructions from the Director of Selective Service are received, the Regional Counsel responsible for responding shall request the appropriate U.S. attorney to represent the Selective Service employee before the court or other authority, shall cause the court or other authority to be furnished a copy of this section and sec-

tion 1608 12(f), and shall cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The Regional Counsel should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

(b) If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the Regional Counsel will advise the employee to respectfully decline to comply with the demand citing United States ex rel. Touhy v. Ragan, 340 U.S. 462 (1951).

**PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS**

Part 1670 is revoked.

BYRON V. PEPITONE,  
Acting Director.

MAY 2, 1972.

[FR Doc. 72-6890 Filed 5-4-72; 8:48 am]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[Docket No. 19390; FCC 72-381]

**PART 73—RADIO BROADCAST SERVICES**

**Television Broadcast Stations in Corpus Christi, Tex.**

*Report and order.* In the matter of amendment of § 73.606(b), *Table of assignments*, Television Broadcast Stations (Corpus Christi, Tex.), Docket No. 19390, RM-1816.

1. The Commission has before it for consideration the proposal to assign television Channel \*16+ for noncommercial educational use at Corpus Christi, Tex., upon which comments were invited in the notice of proposed rule making, released herein on January 7, 1972 (FCC 72-17), and published January 13, 1972, in the FEDERAL REGISTER at 37 F.R. 540. This action was taken in consideration of a petition for rule making of South Texas Educational Broadcasting Council (Council), the permittee for a new educational station (KEDT) on Channel \*38, the presently reserved educational television assignment at Corpus Christi, on an alternative proposal to assign Channel \*16 without offset for reserved educational use at Corpus Christi by replacing the now unoccupied Channel 16 assignment at Galveston, Tex.,<sup>1</sup> with Channel 47.

<sup>1</sup> The Galveston Channel 16 assignment was formerly occupied by Station KVVV-TV, which ceased operation in September 1969. The construction permit of TVUE Associates, Inc., for the station was deleted on Apr. 23, 1971.

2. In addition to the proposed Channel \*16+ assignment at Corpus Christi, we also proposed to take other appropriate action to permit the Council to operate on Channel \*16+ instead of Channel \*38 at Corpus Christi. Further, comments were invited on whether Channel \*38 should be retained at Corpus Christi as a reserved or unreserved assignment or deleted for use elsewhere should Channel \*16 be assigned there and Channel \*38 vacated. Also, we advised that since Corpus Christi is within 200 miles of the United States-Mexican border, notification and concurrence of Mexico to the assignment proposed would be required before its adoption. In response to our notification of the proposed assignment, the Mexican Government advised by letter of February 16, 1972, that it has no objection to the proposed Channel \*16+ assignment at Corpus Christi.

3. The Council, the only party filing comments in response to the notice,<sup>2</sup> urges that the proposed Channel \*16 reserved assignment at Corpus Christi be made but without the positive offset proposed. It also requests, if the Galveston Channel 16 assignment is not deleted as the Council proposed, that it be made clear in our decision that the Galveston assignment will not prevent its use of Channel 16 at the transmitter site selected for its Corpus Christi educational station. The Council informs that it has had to relocate the site now authorized for its Channel 38 educational facility; that a new location has been found for which it has obtained air space approval from the Federal Aviation Administration; and that it will file an application for modification of its outstanding Channel 38 construction permit to specify this new site shortly. The new transmitter location selected has coordinates of 27°39'12" N., 97°33'55" W. It is located approximately 1.3 miles from the site now authorized for the Council's Channel 38 operation and but 203.1 miles instead of the 205 miles required from the Galveston Channel 16

<sup>2</sup> The Council's comments were filed on Mar. 13, 1972, after the specified time for filing comments (Feb. 23, 1972) and reply comments (Mar. 3, 1972) had expired. They were accompanied, however, by a motion to accept them despite their lateness because of the shortness of time allowed for filing comments and other commitments of its engineering and legal counsel which prevented them from completing research needed for the filing of timely comments. These reasons are not persuasive. The time provided for filing comments was that usually provided in rule making proceedings, and, from all indications, was ample. Also, no explanation is given why the Council or its counsel failed to follow usual procedure by requesting an extension of the specified deadlines for comments before they expired when it appeared that the time limits could not be met. Nevertheless, we have accepted and considered its comments. Since the Council is the petitioner for the assignment change proposed, its comments can be of help, and the lateness of their filing does not prejudice any other party to the proceeding or delay its resolution.



reference point. The Council's presently authorized Channel 38 site is 204.9 miles from the Galveston Channel 16 reference point. This would satisfy the 205-mile separation requirement since our rules permit this distance to be rounded off to the nearest mile in computing separations.

4. The Council desires the assignment of Channel 16 at Corpus Christi in order that it may operate on that channel instead of Channel 38 and thereby avoid the problems and costs, approximating \$84,000, of converting the Channel 16 equipment which it has acquired. This equipment was formerly used by the defunct Galveston Channel 16 station (KVVV-TV). Since the Council's Channel 16 equipment is for nonoffset operation, and it estimates that it will cost from \$6,500 to \$7,000 to offset the equipment for use on Channel 16 at Corpus Christi, it is also opposed to the proposed positive offset for a Corpus Christi Channel 16 assignment and requests that we refer its Corpus Christi Channel 16 nonoffset proposal to the Mexican Government.

5. The Council's objective in seeking to operate its Corpus Christi educational station without offset on Channel 16 rather than on Channel 38 has public interest value, we believe, since the time and money required for conversion of the Council's Channel 16 equipment for operation on Channel 38, as well as for offset operation on Channel 16, could be more productively used to further its plans and objectives for its local educational service in the area. Channel 16 is also technically feasible for assignment and use at Corpus Christi in conformity with minimum separation requirements without disturbing any existing assignment, as we proposed, or by replacing the unoccupied Galveston Channel 16 assignment with Channel 47, as the Council proposed. We therefore think that the assignment should be made by the latter method since it will provide added flexibility for use of Channel 16 at Corpus Christi at required spacings, and Channel 47 is a technically feasible and otherwise suitable replacement for the unused Galveston Channel 16 assignment. We also are willing, if Mexican concurrence can be obtained, to assign Channel 16 at Corpus Christi without requiring a positive carrier offset. In the notice we proposed a positive offset for the proposed Corpus Christi Channel 16 assignment because of the Channel 16 assignment at Monterrey, Mexico, since the reference point for a Corpus Christi Channel 16 assignment, as well as the Council's prior and new proposed site for its Channel 16 operation, are all less than the desired 250-mile distance from the Monterrey reference point. However, in view of the fact that the Monterrey Channel 16 assignment is not occupied, Mexico may have no objection to adding Channel 16 at Corpus Christi without offset. While

we have not yet received a response from Mexico to our notification on the Corpus Christi Channel 16 nonoffset proposal, this need not delay final action on the proposed Channel 16 assignment itself. If required by the response received from Mexico on the Corpus Christi Channel 16 nonoffset proposal, an offset designator for Channel 16 can be added by subsequent order and specified for any authorization for operation on the channel issued prior thereto, as provided in the note preceding § 73.606(b) of our rules.

7. With the assignment of Channel 16 for reserved educational use at Corpus Christi, it is also appropriate to decide whether the presently reserved Channel \*38 assignment which the Council plans to vacate should be retained at Corpus Christi as a second reserved assignment, as an unreserved assignment, or deleted for assignment elsewhere. Although we invited comments on this question, the Council's comments are silent in this regard. Having no evidence of any need for a second reserved educational assignment at Corpus Christi, we have decided, for the present at least, to retain the channel there as an unreserved assignment so that it will be available for either educational or commercial use. We think that this is warranted since Corpus Christi is a sizeable community (1970 population, 204,525) and now has but one unreserved channel assignment (UHF Channel 28) to meet developing needs for additional local commercial and educational television service not satisfied by its three local VHF commercial stations and the Council's prospective educational station.

8. In view of the foregoing: *It is ordered*, That, pursuant to sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, effective June 9, 1972, § 73.606(b) of the rules, table of assignments, television broadcast stations, is amended to read as follows with respect to the cities listed:

City	Channel No.
Corpus Christi, Tex.	3—, 6+, 10—, *16, 28, 38
Galveston, Tex.	—, *22, 47

9. *It is further ordered*, That effective June 9, 1972, and pursuant to section 306(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by South Texas Educational Broadcasting Council for Station KEDT on Channel \*38, Corpus Christi, Tex., is hereby modified to specify operation Channel \*16,\* subject to the following conditions:

(a) The permittee shall submit to the Commission by June 30, 1972, all necessary information to comply with the ap-

\* Operation on Channel \*16 with nonoffset is contingent on Mexican concurrence; otherwise, operation on Channel \*16 with positive offset will be specified.

plicable technical rules for modification of authorization to cover the operation of Station KEDT on Channel \*16 at Corpus Christi, Tex.

10. *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: May 1, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-6885 Filed 5-4-72;8:48 am]

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089, Amdt. 1]

#### PART 1033—CAR SERVICE

#### New York Dock Railway Authorized To Operate Over Trackage Aban- doned by Bush Terminal Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of April 1972.

Upon further consideration of Service Order No. 1089 (37 F.R. 2677), and good cause appearing therefor:

*It is ordered*, That § 1033.1089 Service Order No. 1089 (New York Dock Rail-

way authorized to operate over trackage abandoned by Bush Terminal Railroad Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., August 1, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date*. This amendment shall become effective at 11:59 p.m., May 3, 1972.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

*It is further ordered*, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office

\* Commissioners Bartley and Reid absent.



of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6904 Filed 5-4-72; 8:50 am]

[S.O. 1097]

# PART 1033—CAR SERVICE

## Illinois Terminal Railroad Company Authorized to Operate Over Track- age of Chicago and North Western Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of April 1972.

It appearing, that the Illinois Terminal Railroad Co. (IT), in Finance Docket No. 26720 was authorized to operate over tracks of the Chicago and North Western Railway Co. (CNW) between CNW milepost 112.28 south of Benld, Ill., and CNW milepost 105.11, thence via a proposed south wye connection with the CNW mine service track, all in the vicinity of Monterey Junction, Ill., thence via the CNW mine service track to a connection with the Illinois Terminal Railroad Co. at IT chaining station 2677+56, located at a point 6.59 miles south of the city of Carlinville, Ill.; that the aforementioned south wye connection at Monterey Junction has not been built; that extension of Illinois Terminal Railroad Co. operating over Chicago and North Western Railway Co. trackage between CNW milepost 105.11 and CNW milepost 104.27, thence over the existing north wye connection between the CNW main track and CNW mine service track, all in the vicinity of Monterey Junction, Ill., will enable the Illinois Terminal Railroad Co. to commence operations over the Chicago and North Western Railway Co. substantially as authorized by the Commission in Finance Docket No. 26720 and will make unnecessary the construction of the south wye connection; that the Commission is of the opinion that operation by the Illinois Terminal Railroad Co. over this trackage of the Chicago and North Western Railway Co., pending disposition of the application of the Illinois Terminal Railroad Co., for modification of the Commission's order in Finance Docket No. 26720 is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1097 Service Order No. 1097.

(a) Illinois Terminal Railroad Co. authorized to operate over trackage of Chicago and North Western Railway Co. The Illinois Terminal Railroad Co. be, and it is hereby, authorized to operate

over trackage of the Chicago and North Western Railway Co. between CNW milepost 105.11 and CNW milepost 104.27, thence over the north leg of a wye connection between the CNW main track and the CNW mine service track, all in the vicinity of Monterey Junction, Ill.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Rates applicable. Inasmuch as this operation by the Illinois Terminal Railroad Co. over trackage of the Chicago and North Western Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Illinois Terminal Railroad Co. over this trackage of the Chicago and North Western Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Effective date. This order shall become effective at 12:01 a.m., May 2, 1972.

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., October 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6903 Filed 5-4-72; 8:50 am]

## SUBCHAPTER B—PRACTICE AND PROCEDURE [Ex Parte 275]

## PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS AND FILING OF CERTIFICATES AND REPORTS

### Expanded Definition of the Term "Securities"; Postponement of Effective Date

In the matter of extension of time to file petitions for reconsideration.

Upon consideration of the record in the above-entitled proceeding, and the request of American Trucking Association, Inc., filed April 11, 1972, for an extension of time of 30 days beyond the effective date, the effective date to be 60 days after publication in the FEDERAL

REGISTER which was April 11, 1972 (37 F.R. 7160), or June 12, 1972, for the filing of petitions for reconsideration of the report and order of the Commission, dated March 22, 1972, 340 ICC 817; and good cause appearing therefor:

It is ordered, That the time within which petitions for reconsideration may be filed by, and it is hereby, extended to July 12, 1972, and that the effective date of the order of March 22, 1972, be, and it is hereby, postponed to July 17, 1972.

Dated at Washington, D.C., this 21st day of April 1972.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6902 Filed 5-4-72; 8:50 am]

## Title 7—AGRICULTURE

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

## PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

### Limitation of Shipments

Notice of a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, was published in the April 22, 1972, FEDERAL REGISTER (37 F.R. 7991). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice provided interested persons an opportunity to file written data, views, or arguments with respect to the proposed regulation not later than 7 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was unanimously recommended by the Southeastern Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the limitation of shipments regulation as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations by the Southeastern Potato Committee are consistent with the marketing policy it unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

The marketing outlook appears more favorable than last season (when the area's average farm price was only about \$2.54 per hundredweight) due to reduced potato plantings in numerous spring and early summer States, fewer overlapping supplies from California, and a further advance in consumers' net disposable income with the demand for food expected to continue firm.



However, North Carolina and Virginia potato growers can expect to encounter marketing problems similar to those in other recent seasons. The heavy supply of storage potatoes, particularly in the East, has kept pressure on the farm prices. Also, recent cold storage holdings of frozen potato products have set new record highs.

Shipments of potatoes from the production area are expected to begin about June 5. The proposed regulation contains the same grade, size and maturity requirements that have been issued for the past five seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market channels of commerce. They will also provide consumers with good quality potatoes and maximize the returns to producers for preferred grades and sizes.

The specific requirements, hereinafter set forth, will promote orderly marketing by standardizing and improving the quality of the potatoes shipped from the production area, and should thereby tend to maximize the returns to the producers pursuant to the declared policy of the act. The regulation is as follows:

#### § 953.312 Limitation of shipments.

During the period June 5 through July 31, 1972, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided*, That the handler thereof complies with the safeguard requirements of paragraph (d) of this section. *Further provided*, That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special-purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special-purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special-purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special-purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540-51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as temporarily amended February 20, 1970 (said act having been so permanently amended on Feb. 15, 1972, by Public Law 92-233) and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e-1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

*Effective date.* Dated May 2, 1972, to become effective June 5, 1972.

PAUL A. NICHOLSON,  
Acting Director, Fruit and  
Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc. 72-6895 Filed 5-4-72; 8:49 am]

## Title 6—ECONOMIC STABILIZATION

### Chapter III—Price Commission

#### PART 300—PRICE STABILIZATION

##### Revised Instructions for Form PC-1, Request (Report) for Price Increases by Manufacturing, Service Industries and the Professions

The purpose of this amendment is to revise the instructions for Form PC-1 in Appendix II to Part 300 of the regulations of the Price Commission, "Request (Report) for Price Increases by Manufacturing, Service Industries and the Professions."

The first change revises the second sentence under the heading "when to file" and the second paragraph under part II, item 8, to clarify the effective date of the price increase which has been approved by the Price Commission. Except for increases under § 300.31, no price increase may be put into effect, regardless of the proposed effective date, before the date of the Price Commission order authorizing the increase or until 30 days after the date the application is received by the Price Commission.

The second change requires that each request (report) cover only one product line or service, unless it is a Term Limit Pricing Request (Report). For requesting (reporting) purposes, units with small sales volumes and dissimilar product lines and cost characteristics may no longer be combined but must request (report) price increases by product line. This change is accomplished by substituting language in part II, item 5a and by deleting the fourth paragraph under the heading "who must file."

The material under the heading "what to file" has been amended to require that at the time a Form PC-1 is submitted, a Form PC-50 for the parent entity must be on file with the Price Commission or be submitted with the Form PC-1. In addition, the parent's profit margin on covered activities for the four most recent quarters must accompany the initial Form PC-1 submitted.

A change has been made in the instructions for part II, item 6, under the heading "Information Regarding Products or Services Covered by this Request (Report)." When a weighted average price increase is requested (other than in a Term Limit Pricing Request (Report)), generally no price on any individual product or service may be increased in excess of the percentage of cost justification. However, when the cost justification for the product or service line is less than 6 percent and the price increase requested (reported) is for a weighted average of less than 6 percent, the Price Commission will allow price increases on individual products or services accounting for no more than 10 percent of the total sales volume of the products or services covered by the request (report).



to be increased up to a maximum of 6 percent above the base price. Whenever any such product or service is increased in price beyond the cost justification percentage, it must be listed separately on the Form PC-1 under item 6, part II.

The instructions have also been revised to provide that regardless of the percentage or dollar amount of sales represented, the highest percent price increase which will be made for any item in a category covered by the request (report) must be listed. This has been accomplished by deleting the last two sentences under the instructions for item 6, column (f).

Other changes in part II have been made to reflect the new method of calculating productivity gains by manufacturers and construction contractors, as set forth in section 300.11a of the Price Commission regulations. The last sentence under item 6, column (b) has been deleted to remove any provision for an exception to the entry of the four-digit Standard Industrial Classification Code on the Form PC-1. Item 7 has been revised to require manufacturers and construction contractors to use in their cost computations for items 9, 10, 11, 12, and 18 the annualized sales dollar volume as-

sumed, at prices in effect before the price increase.

The new method of calculating productivity gains is set forth under part IV, item 14. Manufacturers and construction contractors are required to use the average percentage gain in productivity for the appropriate Standard Industrial Classification Code and to multiply this percentage gain by the percentage of labor costs to total costs. This productivity calculation must be submitted as a supporting schedule to item 14. The instructions include an illustration of how to calculate the productivity gain.

Item 14 has also been revised to state that in no instance may negative productivity be shown. The same revision has been made to item 15 for volume increases. No negative volume may be shown on the Form PC-1.

The final changes concern items 10 and 12 in Part IV—Justification Data. Item 10 has been amended to specify that included in supporting detail for labor costs must be the date of the labor increase agreement. Item 12 is revised to provide that when other operating costs include labor costs, the percentages called for in columns (a), (b), and (c) of part IV which relate to these labor

costs must be identified on the Form PC-1 or in a supporting schedule attached to the Form PC-1.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect, and to provide immediate guidance for reports required thereunder, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468, Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, the instruction for Form PC-1 in Appendix II of Part 300 of Title 6 of the Code of Federal Regulations are amended to read as set forth below, effective May 3, 1972.

Issued in Washington, D.C., on May 2, 1972.

C. JACKSON GRAYSON, Jr.,  
Chairman.



ices should be segregated as indicated on Lines (1).



Item 12: Other operating costs—Other operating costs attributable to the products or services should be segregated as follows: (1) Direct materials, (2) labor, (3) overhead, (4) depreciation, (5) amortization, (6) interest, (7) taxes, (8) royalties, (9) patents, (10) trademarks, (11) other. The cost of each of these items should be provided. (12) Other operating costs—Other operating costs attributable to the products or services should be segregated as follows: (1) Direct materials, (2) labor, (3) overhead, (4) depreciation, (5) amortization, (6) interest, (7) taxes, (8) royalties, (9) patents, (10) trademarks, (11) other. The cost of each of these items should be provided.

Item 13: Support costs—Support costs are those costs which are not directly attributable to the production of a product or service, but which are necessary for the production of a product or service. Support costs include: (1) Research and development, (2) design, (3) engineering, (4) production engineering, (5) quality control, (6) inspection, (7) maintenance, (8) repair, (9) replacement, (10) overhaul, (11) other. The cost of each of these items should be provided.

Item 14: Productivity—Productivity is the ratio of output to input. Productivity is a measure of the efficiency of the production process. Productivity is calculated by dividing the total output by the total input. Productivity is expressed as a percentage. Productivity is a key factor in determining the cost of a product or service. Productivity is a key factor in determining the cost of a product or service.

Item 15: Labor—Labor is the cost of the services of the employees of the company. Labor is a key factor in determining the cost of a product or service. Labor is a key factor in determining the cost of a product or service.

Item 16: Overhead—Overhead is the cost of the indirect expenses of the company. Overhead is a key factor in determining the cost of a product or service. Overhead is a key factor in determining the cost of a product or service.

Item 17: Depreciation—Depreciation is the cost of the wear and tear of the property, plant, and equipment of the company. Depreciation is a key factor in determining the cost of a product or service. Depreciation is a key factor in determining the cost of a product or service.

Item 18: Amortization—Amortization is the cost of the wear and tear of the intangible assets of the company. Amortization is a key factor in determining the cost of a product or service. Amortization is a key factor in determining the cost of a product or service.

Item 19: Interest—Interest is the cost of the borrowing of money by the company. Interest is a key factor in determining the cost of a product or service. Interest is a key factor in determining the cost of a product or service.

Item 20: Taxes—Taxes are the cost of the taxes levied on the company. Taxes are a key factor in determining the cost of a product or service. Taxes are a key factor in determining the cost of a product or service.

Item 21: Patents—Patents are the cost of the patents owned by the company. Patents are a key factor in determining the cost of a product or service. Patents are a key factor in determining the cost of a product or service.

Item 22: Royalties—Royalties are the cost of the royalties paid by the company. Royalties are a key factor in determining the cost of a product or service. Royalties are a key factor in determining the cost of a product or service.

Item 23: Other—Other costs are the cost of the other expenses of the company. Other costs are a key factor in determining the cost of a product or service. Other costs are a key factor in determining the cost of a product or service.

Item 24: Direct materials—Direct materials are the materials which are directly used in the production of a product or service. Direct materials are a key factor in determining the cost of a product or service. Direct materials are a key factor in determining the cost of a product or service.

Item 25: Labor—Labor is the cost of the services of the employees of the company. Labor is a key factor in determining the cost of a product or service. Labor is a key factor in determining the cost of a product or service.

Item 26: Overhead—Overhead is the cost of the indirect expenses of the company. Overhead is a key factor in determining the cost of a product or service. Overhead is a key factor in determining the cost of a product or service.

Item 27: Depreciation—Depreciation is the cost of the wear and tear of the property, plant, and equipment of the company. Depreciation is a key factor in determining the cost of a product or service. Depreciation is a key factor in determining the cost of a product or service.

Item 28: Amortization—Amortization is the cost of the wear and tear of the intangible assets of the company. Amortization is a key factor in determining the cost of a product or service. Amortization is a key factor in determining the cost of a product or service.

Item 29: Interest—Interest is the cost of the borrowing of money by the company. Interest is a key factor in determining the cost of a product or service. Interest is a key factor in determining the cost of a product or service.

Item 30: Taxes—Taxes are the cost of the taxes levied on the company. Taxes are a key factor in determining the cost of a product or service. Taxes are a key factor in determining the cost of a product or service.

Item 31: Patents—Patents are the cost of the patents owned by the company. Patents are a key factor in determining the cost of a product or service. Patents are a key factor in determining the cost of a product or service.

Item 32: Royalties—Royalties are the cost of the royalties paid by the company. Royalties are a key factor in determining the cost of a product or service. Royalties are a key factor in determining the cost of a product or service.

Item 33: Other—Other costs are the cost of the other expenses of the company. Other costs are a key factor in determining the cost of a product or service. Other costs are a key factor in determining the cost of a product or service.

Item 34: Direct materials—Direct materials are the materials which are directly used in the production of a product or service. Direct materials are a key factor in determining the cost of a product or service. Direct materials are a key factor in determining the cost of a product or service.

Item 35: Labor—Labor is the cost of the services of the employees of the company. Labor is a key factor in determining the cost of a product or service. Labor is a key factor in determining the cost of a product or service.

Item 36: Overhead—Overhead is the cost of the indirect expenses of the company. Overhead is a key factor in determining the cost of a product or service. Overhead is a key factor in determining the cost of a product or service.

Item 37: Depreciation—Depreciation is the cost of the wear and tear of the property, plant, and equipment of the company. Depreciation is a key factor in determining the cost of a product or service. Depreciation is a key factor in determining the cost of a product or service.

Item 38: Amortization—Amortization is the cost of the wear and tear of the intangible assets of the company. Amortization is a key factor in determining the cost of a product or service. Amortization is a key factor in determining the cost of a product or service.

Item 39: Interest—Interest is the cost of the borrowing of money by the company. Interest is a key factor in determining the cost of a product or service. Interest is a key factor in determining the cost of a product or service.

Item 40: Taxes—Taxes are the cost of the taxes levied on the company. Taxes are a key factor in determining the cost of a product or service. Taxes are a key factor in determining the cost of a product or service.

Item 41: Patents—Patents are the cost of the patents owned by the company. Patents are a key factor in determining the cost of a product or service. Patents are a key factor in determining the cost of a product or service.

Item 42: Royalties—Royalties are the cost of the royalties paid by the company. Royalties are a key factor in determining the cost of a product or service. Royalties are a key factor in determining the cost of a product or service.

Item 43: Other—Other costs are the cost of the other expenses of the company. Other costs are a key factor in determining the cost of a product or service. Other costs are a key factor in determining the cost of a product or service.

Item 44: Direct materials—Direct materials are the materials which are directly used in the production of a product or service. Direct materials are a key factor in determining the cost of a product or service. Direct materials are a key factor in determining the cost of a product or service.

Item 45: Labor—Labor is the cost of the services of the employees of the company. Labor is a key factor in determining the cost of a product or service. Labor is a key factor in determining the cost of a product or service.

Item 46: Overhead—Overhead is the cost of the indirect expenses of the company. Overhead is a key factor in determining the cost of a product or service. Overhead is a key factor in determining the cost of a product or service.

Item 47: Depreciation—Depreciation is the cost of the wear and tear of the property, plant, and equipment of the company. Depreciation is a key factor in determining the cost of a product or service. Depreciation is a key factor in determining the cost of a product or service.

Item 48: Amortization—Amortization is the cost of the wear and tear of the intangible assets of the company. Amortization is a key factor in determining the cost of a product or service. Amortization is a key factor in determining the cost of a product or service.

Item 49: Interest—Interest is the cost of the borrowing of money by the company. Interest is a key factor in determining the cost of a product or service. Interest is a key factor in determining the cost of a product or service.

Item 50: Taxes—Taxes are the cost of the taxes levied on the company. Taxes are a key factor in determining the cost of a product or service. Taxes are a key factor in determining the cost of a product or service.

Item 51: Patents—Patents are the cost of the patents owned by the company. Patents are a key factor in determining the cost of a product or service. Patents are a key factor in determining the cost of a product or service.



## RULES AND REGULATIONS

## Step 1 Total all Labor Cost Elements in Part IV, Column (b)

Item 10(1)	3.00%
10(2)	-0-
11(1)	3.00
11(2)	-0-
12(1)	3.00
12(2)	2.50
12(3)	1.50
	<u>25.00%</u>

## Step 2 Calculation of Productivity Entry for Item 14

SIC CODE	RATE (%) APP III	SALES DOLLARS	PERCENT OF TOTAL
2111	2.1%	\$60,000,000	60.00%
2127	4.9%	40,000,000	40.00%
		<u>\$100,000,000</u>	<u>100.00%</u>

A.  $(60.00 \times 2.1) + (40.00 \times 4.9) =$  weighted average rate 3.22%

B.  $(\frac{3.22 \times 25.00}{100}) =$  entry to be made in Item 14, 0.81%

Item 15: Volume Increase—Current period costs must be estimated at a volume that is not less than the prior period volume. If there is a reasonable expectation that volume in the current period will be higher than volume in the prior period, the cost estimates should be based on the current estimated volume. The percentage of unit cost decrease in nonvariable costs that results from the use of a higher volume should be shown in Item 15. See the instructions for Item 7. In no instance, however, may negative volume be shown.

Item 16: Sales Price Percent Increase Due to Cost Changes—This is the total of Column (c), and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases. Note that Items 14 and 15 normally will represent amounts which must be subtracted from Item 13.

Item 17: Enter the prior level profit margin % for the products or services covered by this request (report), expressed as a % of net sales prices.

## PART V—Justification Data for Costs Which May Only Be Passed on Dollar for Dollar

A firm which uses this Part V may not use Part IV or Part VI on the same filing.

This part is used to compute the effect of allowable cost increases on the sales price, for those special situations where only the added costs are allowed to be passed through, without addition of any profit margin. The column headings and mechanics of their use are exactly the same as for Part IV, except that Column (b) shows the percentage of the prior level cost element to the prior level sales price, rather than to prior level total cost. Since only selected cost elements are included in this Part, Column (b) will not total to 100%. Column (c) is totaled at Item 22 to show the total sales price percent increase due to the cost changes reported in this Part V.

In utilizing this Part to report allowable cost increases, those cost elements permitted under Price Commission regulations to be handled in this manner are of course precluded from also being included in a separate filing using Part IV, since that would represent a duplicate request.

Item 18: Specific Cost Elements—Record a brief description of the cost element for which a sales price increase is computed, including reference to the specific regulation under which you are filing.

Attach a supporting schedule listing the major components of the cost element listed in this item. On this supporting schedule, enter the percentage change in each of these major components (as per Column (a)) and the prior level percentage each of these components represents of the cost element listed.

Item 19: Sub-total—Record the total of all line entries for Item 18.

Item 20: Productivity Increase—This item is to be calculated, recorded and supported in the same manner as Item 14.

Item 21: Volume Increase—This item is to be calculated, reported and supported in the same manner as Item 15.

Item 22: Sales Price Percent Increase for Cost "Pass Throughs"—This is the total of Column (c) for this Part, and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases, for those cost changes which may only be passed through dollar for dollar without addition of any profit margin. Note that Items 20 and 21 normally will represent amounts which must be subtracted from Item 19.

## PART VI—Alternative Bases for Price Increase

A firm which uses this Part VI may not use Part IV or Part V on the same filing.

Item 23: Other Allowable Sales Price % Increases—This item is provided to record other allowable factors which may be taken into account in requesting or reporting price increases. It is intended for those factors which are not required to be cost justified. Items to be recorded are as follows:

(1) If you are requesting (or reporting) a price increase because of a price specified in a binding contract for the sale of property or services entered into prior to August 15, 1971, with delivery or performance occurring after November 13, 1971, (see Price Commission regulations), enter "Long-term contracts" in Item 23, and enter the sales price increase percentage in the column.

(2) If you are requesting (or reporting) a price increase resulting from calculation of a revised base price (see Price Commission regulations), enter "Base price increase" in Item 23, and enter the sales price increase percentage in the column. The base price is either (1) the ceiling price permitted for the period August 15, 1971, through November 13, 1971, or (2) such ceiling price as adjusted in accordance with the rules provided in Price Commission regulations. Because of adjusted definitions contained in the Price Commission regulations, primarily in the definition of a "transaction," certain persons may be entitled to a base price increase. Item 23 is to be used to enter this price increase request (or report).

(3) If you are requesting (or reporting) a price increase for any other allowable factor which is not required to be cost justified, enter a brief description in Item 23 and enter the sales price increase percentage in the column. Attach a supporting schedule to Form PC-1 describing the factor in sufficient detail to permit reasonable determination that such factor is allowable and is not required to be cost justified. Indicate on the schedule the specific regulations under which you are filing for this price increase.

## PART VII—Additional Information—Self-explanatory.

## IMPORTANT NOTICE

Effective January 21, 1972, the Price Commission will only process requests for price increases for manufacturing, service industries and the professions that are submitted on this latest revised PC-1 form or facsimile copy of such form.

[FR Doc.72-6953 Filed 5-3-72;2:43 pm]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 153 ]

### ANTIDUMPING; FAIR VALUE DETERMINATIONS

Sales Below Cost of Production; Solicitation of Views

Notice is hereby given that the Treasury Department is undertaking a review of the extent to which price information relating to sales below cost of production may be used in determining "fair value" within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Fair value determinations result from a comparison of the price of merchandise to the United States with the price of such or similar merchandise in the home market (§ 153.3, Customs regulations; 19 CFR 153.3), or to a third country (§ 153.4, Customs regulations; 19 CFR 153.4) or with the constructed value of the merchandise (§ 153.5, Customs regulations; 19 CFR 153.5), as applicable.

Information before the Bureau of Customs in respect of pending antidumping investigations indicates the possibility that foreign merchandise is being, or is likely to be, sold to the United States, in the home market, and for exportation to countries other than the United States at prices below cost of production.

Interested parties accordingly are invited to submit written comments as to whether, and under what circumstances, sales below cost of production in the home market or for exportation to countries other than the United States may be disregarded in the ascertainment of "fair value" within the meaning of section 201(a) of the Antidumping Act and whether, if such sales are disregarded, resort to "constructed value" (section 206 of the Antidumping Act) would be appropriate.

Consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b), Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Washington, D.C.

[SEAL]

VERNON D. ACREE,  
Commissioner of Customs.

Approved: May 3, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc. 72-6995 Filed 5-4-72; 9:40 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Mines

[ 30 CFR Part 58 ]

### OCCUPATIONAL HEALTH AND SAFETY

Notification, Investigation, Reports and Records of Accidents, Injuries and Occupational Illnesses in Metal and Nonmetal Mines

On January 15, 1970, pursuant to section 13 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 782, 30 U.S.C. sec. 732), a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 539) proposing the addition of Part 58, to Subchapter N, Chapter I, Title 30, Code of Federal Regulations, relating to the giving of immediate notice by the operator to the Bureau of Mines of the occurrence of accidents involving loss of life or bodily injury and certain other events involving health and safety conditions in metal and nonmetal mines subject to the Act and requiring the submission of an operator's report in appropriate circumstances.

Interested persons were given until March 1, 1970, to submit written comments, suggestions, or objections to the proposed regulations. Careful consideration has been given those comments, suggestions, or objections which were received. Because of the extensive revisions made due to the comments, suggestions, or objections received, the experience gained since publication of the proposed rules, and the addition of reporting requirements, it has been determined that the proposed Part 58 be revised as set forth below and republished as a notice of proposed rule making.

These proposed regulations provide for the operators of all metal and nonmetal mines subject to the Act to report directly to the Bureau of Mines an accident, injury, and occupational disease or illness, and related data, so that the Secretary of the Interior may study and analyze mine health and safety conditions on the basis of accurate and comprehensive data for such purposes as evaluating the progress being made toward improved mine health and safety, framing recommendations for policies to accelerate such progress, or deciding upon which segments of the mining industry or which individual mining operations to concentrate special inspection, enforcement and training efforts. The data gathered from the operators will be entered into the Bureau of Mines computerized data files and the information obtained will be published and released to any interested person. The operators shall submit copies of the injury and illness reports and employment

reports to the State agencies in States with State Plan Agreements in effect. The Bureau of Mines shall cooperate with the States, interested persons and State agencies by publishing meaningful data and statistics.

Pursuant to the authority vested in the Secretary of the Interior under section 13 of the Federal Metal and Nonmetallic Mine Safety Act, it is proposed that Part 58, revised as set forth below, be added to Subchapter N, Chapter I, Title 30, Code of Federal Regulations, providing for the immediate notice by the mine operator to the Bureau of Mines, Department of the Interior of the occurrence of certain types of accidents in order to afford the Bureau an opportunity to conduct a prompt investigation, to obtain the operator's report of the occurrence, and to gather current and timely information pertaining to work-connected injuries and illnesses. The Metal-Nonmetal Injury and Illness Report (Form 6-1555) and the Metal-Nonmetal Quarterly Employment Report (Form 6-1556) are designed to avoid duplication in reporting pursuant to the Occupational Safety and Health Act of 1970.

Interested persons may examine or obtain copies of Forms 6-1555 and 6-1556 at the offices of the Acting Assistant Director—Technical Support, Health and Safety, Bureau of Mines, Interior Building, Room 4526, Washington, D.C. 20240, and the Assistant Director, Metal and Nonmetal Mine Health and Safety, Bureau of Mines, Ballston Towers No. 3, Room 1226, 4015 Wilson Boulevard, Arlington, VA 22203, and the Metal and Nonmetal Mine Health and Safety District and Subdistrict Offices. Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

HOLLIS M. DOLE,  
Assistant Secretary  
of the Interior.

MAY 2, 1972.

### PART 58—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES AND OCCUPATIONAL ILLNESSES IN METAL AND NONMETAL MINES

#### Subpart A—Purpose and Definitions

- Sec.  
58.1 Purpose.  
58.2 Definitions.

#### Subpart B—Notification of Accidents

- 58.10 Scope.  
58.11 Notification by operator.  
58.12 Investigation by Bureau of Mines.



### Subpart C—Operator's Investigation and Records of Accidents

#### Sec.

- 58.20 Scope.
- 58.21 Investigations required of operators.
- 58.22 Written record.
- 58.23 Maintenance of records.

### Subpart D—Operator's Reports to the Bureau of Mines

- 58.30 Scope.
- 58.31 Metal-nonmetal Injury and Illness Report.
- 58.32 Metal-Nonmetal Quarterly Employment Report.
- 58.33 Place to file reports, initial supply; additional forms.

**AUTHORITY:** The provisions of this Part 58 are issued under section 13 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 782, 30 U.S.C. 732).

### Subpart A—Purpose and Definitions

#### § 58.1 Purpose.

The provisions of the regulations in this part apply to all metal and nonmetal mines subject to the provisions of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. sections 721-740). Under the provisions of the Act, the Secretary of the Interior is authorized to cause investigations to be made for the purpose of obtaining information relating to the causes of accidents involving the loss of life or bodily injury and health and safety conditions in such mines. The purpose of the regulations in this Part 58 is to provide for immediate notice to the Bureau of Mines, Department of the Interior of the occurrence of certain types of accidents in order to afford the Bureau an opportunity to conduct a prompt investigation, to obtain the operator's report of the occurrence, and to gather current and timely information pertaining to injuries and illnesses.

#### § 58.2 Definitions.

As used in this part:

(a) "Metal and nonmetal mine" means: (1) An area of land from which minerals other than coal or lignite are extracted in nonliquid form or, if in liquid form, are extracted with workers underground; (2) private ways and roads appurtenant to such area; and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground used in the work of extracting such minerals other than coal or lignite from their natural deposits in nonliquid form or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to the protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended.

(b) "Accident" means: (1) Any injury to any person, as defined in paragraphs (g), (h), (i), and (k) of this section; (2) any outbreak of fire not extinguished within 30 minutes; (3) any unplanned ignition of dust or strata gas; (4) any unplanned explosion of dust or

gas; (5) any unplanned inundation by water or gas that endangers human life; (6) any unplanned initiation of explosives, including blasting agents; (7) any entrapment that endangers human life; (8) any damage to shafts and ventilation facilities that endangers human life; and (9) any damage to hoisting or haulage facilities used for the transportation of men when such damage endangers human life.

(c) "Ignition" means: The burning of a flammable mixture of gas or dust without evidence of violence from expansion of gases.

(d) "Explosion" means: The burning of a flammable mixture of gas or dust with evidence of violence from expansion of gases.

(e) "State Agency" means: A State Agency responsible for administering a State Plan Agreement on behalf of a State and throughout the State.

(f) "State Plan Agreement" means: An agreement entered into between the United States of America, and a State pursuant to section 16 of the Federal Metal and Nonmetallic Mine Safety Act.

(g) "Injury" means: Any occupational "fatal injury," "nonfatal injury," or "other injury" as defined in paragraphs (h), (i), and (k) of this section, or occupational illness suffered by a person which arises out of and in the course of his work.

(h) "Fatal injury" means: Any work injury of a person resulting in death regardless of the time intervening between injury and death.

(i) "Nonfatal injury" means: Any work injury of a person which does not result in death but which either results in any permanent impairment to the injured person or causes the injured person to lose 1 full day or more from work after the day of injury. As used in this definition "permanent impairment" means total incapacitation of the injured person for any gainful work, or total or partial loss of, or loss of use of, any member or function of the body.

(j) "Disabling injury" means: Either a nonfatal injury as defined in paragraph (i) of this section or a fatal injury as defined in paragraph (h) of this section.

(k) "Other injury" means: A work injury of a person other than a disabling injury which requires treatment by a physician, or hospitalization for observation, or assignment to another regularly established job, or restricts work or motion. However, "other injury" does not include any injury requiring only first aid treatment.

(l) "Illness" means: Any occupational illness, that is, any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact, and which fall within the listing under the heading "Type of Illness" on Form No. 6-1555.

(m) "Subdistrict Manager" means: The Metal and Nonmetal Mine Health

and Safety Subdistrict Manager of the Subdistrict Office of the Bureau of Mines of the Subdistrict in which the mine is located.

(n) "That endangers human life" means: Danger to persons on mine property which is subject to the Act.

### Subpart B—Notification of Accidents

#### § 58.10 Scope.

The regulations in this Subpart B provide for the immediate notification to the Bureau of Mines, U.S. Department of the Interior, of the occurrence of any accident described in § 58.11 in order to afford the Bureau the opportunity to conduct a prompt investigation, or to require the operator to investigate the accident and submit a written report as provided in Subpart C of this part.

#### § 58.11 Notification by operator.

The operator of a metal and nonmetal mine subject to the Act, using the fastest available means of communication, shall immediately notify the Subdistrict Manager of any of the following accidents that occur at a metal and nonmetal mining operation:

(a) Any injury, excluding illness, which results in death or may reasonably be expected to result in death;

(b) Any outbreak of fire not extinguished within 30 minutes;

(c) Any unplanned ignition of dust or strata gas, or combination thereof;

(d) Any unplanned explosion of dust or gas;

(e) Any unplanned inundation by water or gas, that endangers human life;

(f) Any unplanned initiation of explosives, including blasting agents;

(g) Any entrapment that endangers human life;

(h) Any damage to shafts and ventilation facilities that endangers human life; and

(i) Any damage to hoisting or haulage facilities used for the transportation of men when such damage endangers human life.

#### § 58.12 Investigation by Bureau of Mines.

Following any notification received in accordance with § 58.11, the Subdistrict Manager shall determine whether an investigation of the accident will be conducted by the Bureau of Mines. If he determines that such an investigation will be conducted (a) in a State with which a State Plan Agreement is in effect the Subdistrict Manager shall promptly notify the State agency and the operator or, (b) in a State with which a State Plan Agreement is not in effect, the Subdistrict Manager shall promptly notify the operator directly, of the approximate date and time of such investigation. If an investigation is to be made by the Bureau of Mines, the operator shall, to the extent compatible with rescue and recovery work, take appropriate measures to preserve anything and everything which might assist an investigator in determining the cause or



causes of the accident. Neither the operator's immediate report nor an investigation by the Bureau of Mines of an accident specified in § 58.11 shall relieve the operator of the reporting requirements for an injury prescribed in Subpart D of this part.

### Subpart C—Operator's Investigation, Record and Report of Accidents

#### § 58.20 Scope.

The Secretary of the Interior or his duly authorized representative may require a detailed investigation and written report of an accident specified in § 58.11. The operator's investigation shall develop sufficient information to determine the cause of the accident and to describe all facts which contributed to or resulted in the accident. The regulations in this Subpart C prescribe the nature and the extent of the information to be included in such records, and the period and manner in which reports of accidents shall be recorded and submitted to the Bureau of Mines.

#### § 58.21 Investigations required of operators.

Following the occurrence of an accident specified in § 58.11, and if required by the Director of the Bureau of Mines, or his authorized representative, an operator shall be notified by the Subdistrict Manager of the requirement to submit a detailed written report of the accident as soon as practicable to the Bureau of Mines. The operator shall conduct an investigation and, on completion of the investigation, the operator shall submit a written report to the Subdistrict Manager. If the metal and non-metal mine is located in a State where a State Plan Agreement is in effect, the operator shall upon request by the State, submit a copy of the written report to the State agency.

#### § 58.22 Written record.

(a) The operator's written record of his investigation of an accident shall contain:

- (1) The Bureau of Mines mine identification number;
- (2) The date and hour on which the accident occurred;
- (3) The date and hour the investigation was started;
- (4) The name of the person, or persons, who made the investigation;
- (5) The name, occupation at the time of the accident, and pertinent occupational experience for each person who received injury, together with the type of each injury incurred;
- (6) A narrative description of the accident, including all pertinent events prior to, during, and after the accident; all relevant facts, such as, dimension and clearance measurements; manufacturer, model, and type of equipment or machinery involved; in general terms the noise level, visibility, and lighting environment; any identifiable human behavioral factors contributing to the accident; and any other factor believed to have related or contributed to the accident;

(7) A diagram of the location of the accident; and

(8) The operator shall attach to his written detailed investigation report, a description of steps taken, or to be taken in the future, along with a reasonable timetable for execution, so that the possibility of recurrence of that type of accident may be eliminated.

A written report submitted by the operator under this Subpart C, which includes an injury, does not relieve the operator from the injury reporting requirements prescribed in Subpart D of this part.

#### § 58.23 Maintenance of records.

The operator's written records of investigations of accidents required by this Subpart C shall be maintained at the mine or nearest mine office for a period of 3 years from the date of the accident. These records shall be open for inspection by the Secretary of the Interior and his duly authorized representatives and by authorized representatives of the official mine inspection agency of the State and interested persons.

### Subpart D—Operator's Reports to the Bureau of Mines

#### § 58.30 Scope.

The regulations in this Subpart D prescribe records of injuries and illnesses to be maintained by all operators of metal and nonmetal mines, the time and manner in which required information is to be reported to the Bureau of Mines, and the availability of such records to inspection by interested persons.

#### § 58.31 Metal-Nonmetal Injury and Illness Report.

(a) The operator of a metal or non-metal mine shall maintain at the mine a Metal-Nonmetal Injury and Illness Report (Form 6-1555) on which there shall be entered and recorded specified information with respect to each injury by date of occurrence, and each illness by date of diagnosis or occurrence. The Metal-Nonmetal Injury and Illness Report is organized to facilitate the recording and compilation of information for each occurrence. The operator's copy (white) shall be maintained at the mine or nearest mine office for a period of 5 years from the date of occurrence or diagnosis, whichever is applicable, and shall be open for inspection by interested persons.

(b) The Metal-Nonmetal Injury and Illness Report (Form 6-1555-S) shall consist of a set of five forms for those mines located in States in which a State Plan Agreement is in effect: an original (white) operator's copy, and four carbon copies (two yellow and two blue) which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(c) For metal and nonmetal mines not located in States in which a State Plan Agreement is in effect, the Metal-Nonmetal Injury and Illness Report (Form 6-1555) shall consist of a set of three forms: An original (white) operator's copy and two carbon copies (one yellow

and one blue), which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(d) The operator shall maintain at the metal and nonmetal mine, a supply of the Metal-Nonmetal Injury and Illness Report Forms (Form 6-1555). Promptly after an injury occurs, or an illness occurs or is diagnosed, a responsible supervisor or individual of the mine where the injury occurred shall fill out one set of forms for each injury or illness. A single injury or illness shall be included and recorded on one set of forms. Where more than one person is injured, or is afflicted simultaneously with the same illness, a separate and additional set of forms shall be used and completed for each person injured or afflicted.

(e) Metal-Nonmetal Injury and Illness Reports shall be retained, completed and information recorded, disposed of and distributed and mailed to the Bureau of Mines as follows:

(1) Promptly after the occurrence of an injury or illness occurs or is diagnosed, tion required, and upon completion of the recording of the information shall retain the original (white) copy for the operator's records.

(2) If an illness occurs, the operator shall record the required information and complete one set of forms for each illness. The operator shall:

(i) Enter the date of the initial diagnosis of the illness; or

(ii) Enter the date of the first day of absence of the employee in conjunction with which the illness was diagnosed if the absence occurs before the diagnosis is made; and

(iii) Proceed in accordance with subparagraph (3) of this paragraph.

(3) The operator shall retain the yellow and blue copies for a period of time not to exceed 72 hours after the occurrence of the injury or illness, or diagnosis of an illness, pending the return to work of the person affected. Depending upon whether the person affected does, or does not, return to work within the period of 72 hours, the operator shall proceed in accordance with subparagraph (4) of (6) of this paragraph.

(4) If the injured or ill person returns to his regular job within 72 hours following an injury, or occurrence or diagnosis of an illness, the operator shall enter the "Total number of lost work days," the "Number lost from regular job," the "Date returned to work," and other relevant data on the white and yellow copies and promptly mail the yellow Federal-copy to the Bureau of Mines and discard the blue Federal-copy.

(5) Operators, within States which have State Plan Agreements in effect shall proceed as in subparagraph (4) of this paragraph except that the operator shall submit the yellow State-copy to the State agency and discard the blue State-copy.

(6) If the injured or ill person has not returned to his regular job within 72 hours following an injury, or occurrence or diagnosis of an illness, the operator shall leave blank the spaces



designated "Total number of lost work days," "Number lost from regular job," "Date returned to work," and also those spaces for other relevant but unknown data or information, and promptly upon the expiration of the period of 72 hours the operator shall submit the yellow Federal-copy to the Bureau of Mines. Thereafter, when the person returns to his regular job, the operator shall enter the total number of lost work days, the number of days lost from regular job, the date the person returned to work, and complete and record all other relevant data or information in the spaces provided on the white and blue copies, and mail the blue Federal-copy to the Bureau of Mines.

(7) Operators, within States which have State Plan Agreements in effect shall proceed as in subparagraph (6) of this paragraph except that at the appropriate times, the operator shall submit the yellow State-copy and the blue State-copy to the State agency, and the yellow Federal-copy and the blue Federal-copy to the Bureau of Mines.

#### § 58.32 Metal-Nonmetal Quarterly Employment Report.

On or before the 15th day of the first month following the end of each calendar quarter; that is, April 15, July 15, October 15, and January 15, the operator of a metal and nonmetal mine in which one or more men have worked during any day of a calendar quarter shall file with the Bureau of Mines a Metal-Nonmetal Quarterly Employment Report (Form 6-1556). The Metal-Nonmetal Quarterly Employment Report shall be submitted to the Bureau of Mines by all metal and nonmetal mine operators for each quarter, or portion thereof, in which the mine is in operation even though the metal and nonmetal mine may be idle for all or a portion of the quarter. If an operator permanently closes or abandons the mine, the operator shall immediately notify the Bureau of Mines of the last day of operation and no report will be required from a metal and nonmetal mine which has been permanently closed or abandoned, except for the portion of a quarter during which the mine may have been in operation. Simultaneously with the operator's submission of the report to the Bureau of Mines, the operators, within States which have State Plan Agreements in effect, shall submit a State-copy of each Metal-Nonmetal Quarterly Employment Report to the State agency.

#### § 58.33 Place to file reports; initial supply; additional forms.

Unless otherwise provided, all reports required by this Subpart D to be submitted to (a) the State agency in States with State Plan Agreements in effect, shall be filed with the appropriate State agency, and (b) to the Bureau of Mines shall be filed with—

The U.S. Bureau of Mines, Safety Analysis Center, Building 20, Denver Federal Center, Denver, Colo. 80225.

An initial supply of the Metal-Nonmetal Mine Injury and Illness Report and the Metal-Nonmetal Quarterly Employment Report and preaddressed envelopes for the Bureau of Mines forms will be mailed to each operator. Additional report forms and envelopes may be obtained as needed, upon request, from the Metal and nonmetal Mine Health and Safety District and Subdistrict Office of the Bureau of Mines of the District or Subdistrict in which the mine is located.

[F.R. Doc.72-6850 Filed 5-4-72;8:46 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 52 ]

### CANNED APRICOTS

#### Proposed Standards for Grades

##### Correction

In F.R. Doc. 72-6302 appearing at page 8389 of the issue of Wednesday, April 26, 1972, the following changes should be made:

1. In Table III a new category, "Whole Peeled—Fill Weight Values," should be added at the right between the eighth and ninth lines.
2. The heading of paragraph (b) of § 52.2654 *Defects*, now reading "Definitions", should read "Definitions".
3. In Table IV the word "peel" which appears as the fourth word in the second line under the heading "Defects" should appear upper-cased and flush with the left hand margin just above the 18th line from the bottom.

#### [ 7 CFR Part 1030 ]

[Docket No. AO361-A5]

### MILK IN THE CHICAGO REGIONAL MARKETING AREA

#### Notice of Extension of Time for Completing the Referendum Provided for in the Decision of the Secretary

Notice is hereby given that the time for completing the referendum pursuant to the referendum order in the Acting Secretary's decision which was issued April 7, 1972, 37 F.R. 7329 with respect to a proposed advertising and promotion program under the order regulating the handling of milk in the Chicago Regional marketing area is hereby extended to June 30, 1972.

The above notice of extension of time to complete referendum is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on May 2, 1972.

RICHARD E. LYNG,  
Assistant Secretary.

[FR Doc.72-6859 Filed 5-4-72;8:46 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 1, 2, 4, 8, 121, 130,  
135, 146, 191 ]

### PUBLIC INFORMATION

#### Notice of Proposed Rule Making

The effect of Public Law 89-487, the Public Information section of the Administrative Procedure Act, more commonly known as the "Freedom of Information Act," has been to increase requests made of the Food and Drug Administration for release of documents contained in Food and Drug Administration files. In response, it has been the policy of the Department of Health, Education, and Welfare to provide disclosure consonant with statutory obligations of confidentiality and administrative necessities recognized by the act. Because of the vast amount of information in FDA files and the fact that FDA has never before attempted to set out in detail the rules applicable to public disclosure of this information, the Commissioner of Food and Drugs has concluded that it is in the public interest to reexamine the agency's practices on public disclosure of information and to adopt detailed regulations specifying the extent to which public disclosure is and is not permitted.

The Freedom of Information Act adopts a general rule that, except where specifically exempted, all documents in Government files shall be made available to the public. The Commissioner fully endorses this approach. Public disclosure should be the rule rather than the exception. Accordingly, all information in FDA files will be available for public disclosure unless they fall within one of the explicit exemptions contained in that act or other applicable statutes.

The Freedom of Information Act itself contains in 5 U.S.C. 552(b) nine exemptions from public disclosure in the following areas:

1. *National defense or foreign policy.* This exemption has raised no difficulties with FDA.

2. *Internal procedures.* FDA has recently reappraised the status of all of its internal operating manuals with the intent of separating all confidential material in order to make the remaining material publicly available. This review is now complete, and the manuals will shortly be made available through the office of the Assistant Commissioner for Public Affairs.



3. *Information specifically exempted from disclosure by statute.* This exemption incorporates by reference the general and specific confidentiality provisions contained in other statutes. The Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (1967) mentions 18 U.S.C. 1905, which is quoted below, as one of the specific confidentiality statutes not intended to be changed. Similarly, the specific confidentiality provisions in the various statutes administered by FDA, which are also quoted below, are incorporated by reference under this provision.

4. *Trade secrets and commercial or financial information obtained from any person and privileged or confidential.* The Senate Report explained this exemption as follows:

This exception is necessary to protect the confidentiality of information which is obtained by the Government through questionnaires or other inquiries, but which would customarily not be released to the public by the person from whom it was obtained.

The House Report similarly stated that:

It exempts such material if it would not customarily be made public by the person from whom it was obtained by the Government. The exemption would include business sales statistics, inventories, customer lists, scientific or manufacturing processes or de-

The House Report also emphasized that:

It would also include information which is given to an agency in confidence, since a citizen must be able to confide in his Government. Moreover, where the Government has obligated itself in good faith not to disclose documents or information which it receives, it should be able to honor such obligations.

The Attorney General's memorandum has interpreted this exemption as follows:

An important consideration should be noted as to formulae, designs, drawings, research data, etc., which, although set forth on pieces of paper, are significant not as records but as items of valuable property, developments \* \* \*

These may have been developed by or for the Government at great expense. There is no indication anywhere in the consideration of this legislation that the Congress intended, by subsection (c), to give away such property to every citizen or alien who is willing to pay the price of making a copy. Where similar property in private hands would be held in confidence, such property in the hands of the United States should be covered under exemption (e) (4).

Comment b to section 757 of the Restatement of Torts defines a "trade secret" as follows:

A trade secret may consist of any formula, pattern, device, or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.

This exemption is the one most frequently in issue with respect to data and information in FDA files for which disclosure is sought. Much of it has been submitted to FDA in petitions and applications or on a voluntary basis with the understanding that it would be re-

tained as confidential, and some of it is still highly valuable in that it gives the company having it a competitive advantage over others who are required by law to obtain it in order to receive FDA approval of a product or ingredient prior to marketing.

5. *Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency.* The House Report explained this exemption as follows:

Agency witnesses argued that a full and frank exchange of opinions would be impossible if all internal communications were made public. They contended, and with merit, that advice from staff assistants and the exchange of ideas among agency personnel would not be completely frank if they were forced to "operate in a fishbowl." Moreover, a Government agency cannot always operate effectively if it is required to disclose documents or information which it has received or generated before it completes the process of awarding a contract or issuing an order, decision or regulation. This clause is intended to exempt from disclosure this and other information and records wherever necessary without, at the same time, permitting indiscriminate administrative secrecy \* \* \*

The Attorney General's memorandum further discussed it:

Conversely, internal communications which would not routinely be available to a party to litigation with the agency, such as internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups, remain exempt so that free exchange of ideas will not be inhibited. As the President stated upon signing the new law, "officials within Government must be able to communicate with one another fully and frankly without publicity."

6. *Personnel and medical files.* This exemption has raised no difficulties with FDA.

7. *Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.* The House Report stated that this exemption includes enforcement of "all kinds of laws, labor and securities laws as well as criminal laws," and thus includes investigatory files compiled for enforcement of all the laws administered by FDA. It does not include, however, the enforcement action taken as the result of the investigation, whether it be formal or informal.

8. *Information concerning financial institutions.* This exemption does not appear to be relevant to FDA.

9. *Information concerning wells.* This exemption also does not appear to be relevant to FDA.

In addition to these specific exemptions under the Freedom of Information Act, other Federal laws also limit the availability to the public of information contained in FDA files. The general Federal confidentiality statute, section 1905, title 18 U.S.C., Crimes and Criminal Procedure (18 U.S.C. 1905), provides that:

"Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses,

or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both; and shall be removed from office or employment.

Section 301(j) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 331(j), prohibits:

The using by any person to his own advantage, or revealing other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority of section 404, 409, 505, 506, 507, 512, 704, or 706 concerning any method or process which as a trade secret is entitled to protection.

Section 4(h) of the Federal Hazardous Substances Act, 15 U.S.C. 1263(h), similarly prohibits:

The use by any person to his own advantage, or revealing other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, of any information acquired under authority of section 11 concerning any method or process which as a trade secret is entitled to protection.

Section 359(d) of the Public Health Service Act, 42 U.S.C. 263g(d), as added by the Radiation Control for Health and Safety Act of 1968 provides that:

Every manufacturer of electronic products shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers or distributors of such manufacturer or to purchasers (or subsequent transferees) of electronic products of such manufacturer regarding any such defect in such product or any such failure to comply with a standard applicable to such product. The Secretary shall disclose to the public so much of the information contained in such notice or other information obtained under section 360A as he deems will assist in carrying out the purposes of this subpart, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code unless he determines that it is necessary to carry out the purposes of this subpart.

With respect to information obtained through inspection and reports on electronic products, section 360A(e) of the Public Health Service Act, 42 U.S.C. 263i, also provides that:

The Secretary or his representative shall not disclose any information reported to or otherwise obtained by him, pursuant to subsection (a) or (b) of this section, which concerns any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of



the United States Code, except that such information may be disclosed to other officers or employees of the Department and of other agencies concerned with carrying out this subpart or when relevant in any proceeding under this subpart. Nothing in this section shall authorize the withholding of information by the Secretary, or by any officers or employees under his control, from the duly authorized committees of the Congress.

FDA has no authority either to grant public access to information prohibited from disclosure or to deny public access to information not exempt from disclosure. FDA has on many occasions urged a congressional review of the statutory provisions denying public access to information contained in its files, but no such review has been undertaken. Accordingly, this notice can serve only to interpret and clarify the application of existing statutory provisions. The Commissioner therefore proposes to amend the FDA regulations to reflect the following policy:

1. Section 305 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 335, and section 7 of the Federal Hazardous Substances Act, 15 U.S.C. 1266, provide for a hearing by FDA prior to recommendation of criminal prosecution. The documents relating to this proceeding constitute an investigatory file for law enforcement purposes and consist in large part of intra-agency memoranda. After the file is closed (either because FDA concludes not to take action or because the action has been taken and terminated) or the statute of limitations has run, the information contained in the file will be made available for public disclosure except that opinions, policy recommendations, intra-agency and interagency memoranda, statements of witnesses obtained through promises of confidentiality, names of individuals, trade secrets, and other confidential information will be deleted. Where no prosecution is brought against individuals, the names of individuals will not be disclosed, since to do so would unfairly stigmatize them without an opportunity for public defense in violation of due process of law, *Wisconsin v. Constantineau*, 400 U.S. 433 (1971).

2. Section 306 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 336, and section 360C of the Public Health Service Act, 42 U.S.C. 263k, provide for informal enforcement action in lieu of formal enforcement action, and section 701 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371, and section 10 of the Federal Hazardous Substances Act, 15 U.S.C. 1269, authorize the promulgation of regulations for the efficient enforcement of these laws. Records of all informal enforcement action taken by FDA in the nature of communications to and responses from companies following factory inspection, recall or detention requests, communications to companies requesting other corrective action, or other informal action are made available for public disclosure. Confidential or trade secret information will be deleted.

3. Investigatory files compiled for law enforcement purposes, including information obtained from factory inspec-

tions, will not be made available for public disclosure until after a decision has been made not to institute informal or formal enforcement action or until such enforcement action is completed or until the statute of limitations runs, whichever occurs first. At such time the factual portions of the file will be made available for public disclosure with all trade secret or confidential information, opinions and recommendations, names of individuals, and other similar information deleted.

4. FDA regularly undertakes testing and research in a wide variety of fields, either in its own laboratories or in outside laboratories under contract or grant. Such testing and research includes toxicological testing, compliance assays, methodology studies, product testing of any type, and all other kinds of testing and research. The results of such testing and research represent internal information that will be publicly disclosed when the final report is complete (unless it constitutes part of an investigatory file for law enforcement purposes, in which case it will be disclosed as provided for such files). If the results are disclosed in an authorized manner to any member of the public before the final report is available, they will then be available to every member of the public who so requests. A list of current nonregulatory research being conducted by or for FDA (together with any research contract) is always available for public disclosure.

5. Research data on the safety, functionality, and effectiveness of a wide variety of ingredients and products are submitted to FDA as part of various petitions and applications. Since 1938, FDA has taken the position that such data ordinarily represent valuable commercial property and trade secrets that must be retained as confidential and may not be disclosed to the public. The Attorney General's memorandum concluded that such research data are to be retained as confidential, and the House Report emphasized that, when the Government receives information such as this under a good faith pledge of confidentiality, the Government should keep its word. On the other hand, public policy favors expanded public disclosure of this information. The Commissioner proposes to adopt the Restatement of Torts definition of "trade secrets," which emphasizes that the information must provide an advantage over competitors to be regarded as confidential. Accordingly, as of the effective date of the final regulation in this matter the following policy will apply:

a. The safety, functionality, and effectiveness data and information contained in food additive and color additive petitions and antibiotic drug forms are available for public disclosure unless extraordinary circumstances are shown. Since a food additive regulation or color additive regulation or antibiotic drug monograph, when issued, permits all persons to manufacture and market the ingredient or product, such data do not provide a commercial advantage over competitors and are not the type of

valuable commercial information customarily regarded as privileged. For future petitions or forms, such justification shall be provided when the petition is submitted. An opportunity will be provided for appeal if the data or information are regarded by the FDA as not confidential. Nonconfidential information will be released at the time the food additive or color additive regulation or antibiotic drug monograph is promulgated. For petitions or forms already submitted, manufacturers will be given 180 days within which to submit in writing a justification for holding specified information in such petitions confidential.

b. The safety and effectiveness data contained in FDA files relating to new drugs and new animal drugs may or may not represent valuable trade secret and confidential information depending upon the legal status of the particular drug. Nonpublic safety and effectiveness data and information relating to drugs for which a new-drug application (NDA) or a new animal drug application (NADA) is required clearly represent highly valuable material, since the law provides that a competitor cannot market or use the drug without first submitting such data and information to FDA for approval. With respect to drugs that may be marketed on the basis of an abbreviated application or that are "old drugs" which do not require premarketing approval, no such competitive advantage attaches to the safety and effectiveness data and information, and it therefore no longer represents valuable commercial property for which confidentiality may be maintained unless extraordinary circumstances can be shown. Similarly, when an application has been filed and approval has been withdrawn, the safety and effectiveness data and information contained therein provide no competitive advantage and will not be maintained as confidential. (Disclosure or nondisclosure of such data must depend upon the legal status of the product or ingredient as determined by FDA and not as determined by a manufacturer or a competitor, since FDA is not bound by anyone else's determination of that legal status.)

Accordingly, for such data already contained in FDA files for which disclosure will otherwise be permitted, the applicants will be granted 180 days within which to designate in writing the specific data that they believe remain confidential. In special cases where requests for information are pending, FDA will ask for an immediate reply on this matter. Adequate justification for confidentiality must be given. In order to avoid unnecessary work, FDA may wait for a request for public disclosure of a particular document before ruling on a request for confidentiality of that document. Where confidentiality is not requested or the justification is inadequate, the data will be made available for public disclosure. All such data otherwise previously made available to the public will not be held as confidential.

For applications submitted to FDA in the future, all data and information regarded as confidential must be clearly



marked. Until the ingredient or product is classified by FDA as a human drug or animal drug that is no longer a new drug or new animal drug or that may be the subject of an abbreviated application, all such data will be retained as confidential. Thereafter, it will become publicly available unless extraordinary circumstances can be shown. Since the data and information in a new NDA are confidential and thus cannot be disclosed, in lieu thereof every future application or supplement will be required to contain a comprehensive summary of all safety and effectiveness data. When the application and the summary are approved by FDA, the summary will become publicly available. This summary will not constitute the full reports required by the statute for a competitor to obtain approval of an identical product.

The safety and effectiveness data in an investigational new drug plan (IND) or an investigational new animal drug plan (INAD) which has been terminated or discontinued and in an NDA or NADA for which FDA has withdrawn approval for any reason pursuant to section 505(e) or section 512(e) of the Federal Food, Drug, and Cosmetic Act will be available for public disclosure unless extraordinary circumstances are shown.

6. Studies, tests, and other research often include the names of patients or research subjects. Such names or other identifying characteristics in data or information disclosed to the public will be deleted to avoid invasion of personal privacy.

7. Quantitative or semiquantitative product formulae contained in applications and petitions are valuable commercial property that provide an advantage over competitors and therefore will not be made publicly available unless they have otherwise previously been disclosed (e.g., in a patent or scientific article) by the manufacturer. A list of all ingredients in a product, or a list of all products containing a particular ingredient, or similar lists will be available for public disclosure unless a particular ingredient is shown to be a trade secret.

8. Assay methods contained in applications and petitions are methods or processes which are trade secrets and valuable commercial property that provide an advantage over competitors and therefore will not be publicly disclosed unless other, more specific, statutory provisions so require. The food additive, color additive, new drug, and new animal drug provisions of the law require FDA to determine safe conditions of use. An assay method may or may not be required as part of that determination. When public disclosure of an assay method is required to assure safety (which will usually be the situation with food additives, color additives, old human and animal drugs, and human and animal drugs that may be the subject of abbreviated applications), the confidentiality of the method will not be retained.

9. Manufacturing processes are methods or processes which are trade

secrets and valuable commercial property that provide an advantage over competitors and therefore will not be made publicly available unless they have otherwise previously been disclosed by the manufacturer.

10. Protocols (methods and procedures) for tests or studies will be made available to the public except upon a showing that they constitute trade secrets or confidential information because they are unique, have not previously been disclosed to any member of the public (other than a paid consultant), have been developed at significant cost, and provide a competitive advantage.

11. The existence of pending new drug applications will be made known by a list of such pending matters. Each applicant will, however, be given an opportunity to persuade FDA that particular circumstances justify excluding his application from the list.

12. The Food and Drug Administration has in the past received, and will continue to receive, a wide variety of information that is voluntarily submitted to the agency by members of the public, physicians, the regulated industries, and professional organizations and that is not a part of any application or petition or otherwise required to be submitted. All such information submitted in the future will be publicly disclosed unless it is marked confidential and adequate justification for its confidentiality is stated. In the event that the Food and Drug Administration concludes that adequate justification for confidentiality is not shown, the person submitting the information will be given the opportunity either to withdraw the information or to submit it without a request for confidentiality. Since submission of this data and information could not be compelled and the Food and Drug Administration is thus dependent upon the goodwill of individuals and companies to receive this information, a somewhat more narrow disclosure policy will be followed than is the case with data and information required to be submitted. For example, adverse reaction and complaint data for new drugs, which are required to be submitted to FDA, will be available for public disclosure with only the names of patients and physicians deleted; but adverse reaction and complaint data for foods, devices, cosmetics, and hazardous substances voluntarily disclosed by companies, which are not required to be submitted to FDA, will be available for public disclosure only in a way that does not reveal the manufacturer or brand name if the manufacturer will otherwise not disclose the information to FDA. The fact that information is voluntarily submitted, however, will not in any way inhibit the Food and Drug Administration from taking whatever regulatory action may be warranted under the circumstances. Information of this type submitted in the past will routinely be disclosed to the public upon request unless it contains confidential information or has been received pursuant to a pledge of confidentiality or unless the person sub-

mitting it sends to the Food and Drug Administration within 180 days from the effective date of the regulation in this matter a statement justifying why the information should be retained as confidential.

13. All correspondence or summaries of discussions with members of the public, members of Congress, company officials, or other persons who are not Government employees or special Government employees shall be publicly available unless it contains confidential information or constitutes part of an investigatory file for law enforcement purposes.

14. Data and information otherwise not available for public disclosure may be disclosed to Food and Drug Administration consultants, advisory committees, and other persons who are special Government employees. Such persons are thereafter subject to the same laws and regulations with respect to disclosure of such data and information as any other FDA employee.

FDA has at times received broad requests for information which would require deployment of many man-hours to conduct the necessary search, to delete exempt information, to copy the information, and otherwise to process the request. Fees paid to FDA for searching and copying may not be used by FDA to employ persons to conduct the agency's public information program, because they are paid to the U.S. Treasury. The Freedom of Information Act was not intended by Congress to require FDA to divert a major portion of its scarce manpower for conducting such searches and processing rather than in enforcing the important consumer safety laws within its jurisdiction. Accordingly, broad or general requests for information (without at least a minimal description of the documents desired) or for large numbers of documents will be processed taking into account the man-hours required, the tasks from which these resources must be diverted, the impact that this diversion will have upon the Agency's consumer protection activities, and the public policy reasons justifying the request.

Requests are also frequently received to waive the payment of fees. FDA will honor such requests when there is an adequate showing of indigence and when the request has a strong public interest justification. Except under these circumstances, FDA will not discriminate in favor of any person who requests a document by granting an exemption from the payment of costs.

The purpose of this notice is to propose comprehensive rules designed to provide, so far as possible, clear and unambiguous guidelines with respect to the voluminous documents contained in FDA files that are and are not available for public disclosure. Although it is not possible to state with particularity the status of every type of document, it is hoped that the regulations will provide both those who submit information to the Food and Drug Administration and those who seek information from the Food and Drug Administration sufficient guidance to understand what documents will and



will not be kept confidential. Specific comment is therefore requested as to whether additional categories of documents should be explicitly covered in the regulations or whether clarification of any of the proposed regulations set out below is advisable.

Paragraphs 8 and 11 of Appendix A to 45 CFR Part 5 contain examples of kinds of FDA records not available for public disclosure. These paragraphs will be revised to reflect the new policy when a final regulation is promulgated in this matter.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 et seq. as amended; 21 U.S.C. 321 et seq.), the Federal Hazardous Substances Act (sec. 1 et seq., 74 Stat. 372 et seq. as amended; 15 U.S.C. 1261 et seq.), the Public Health Service Act (sec. 1, et seq., 58 Stat. 682 et seq. as amended; 42 U.S.C. 201 et seq.), and the Public Information Act (Public Law 89-487 as codified by Public Law 90-23, 81 Stat. 54; 5 U.S.C. 552) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 be amended:

#### **PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT**

1. In Part 1, by adding a new paragraph (c) to § 1.6, as follows:

§ 1.6 Presentation of views under section 305 of the act.

(c) The documents relating to this proceeding constitute an investigatory file for law enforcement purposes and may include interagency and intra-agency memoranda. No data or information contained in this file are available for public disclosure prior to the file's being closed or the statute of limitations running, whichever occurs first. After the file is closed or the statute of limitations runs, the factual information contained in the file will be made available for public disclosure except that opinions, policy recommendations, interagency and intra-agency memoranda, statements of witnesses obtained through promises of confidentiality, names of individuals, trade secrets, and other confidential information will be deleted.

#### **PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES**

##### **Subpart G—Public Information**

2. In Part 2, by deleting Subpart G—Public Information containing § 2.115 *Fee schedule for searching, supplying, and certifying records*. Concurrently, the information in this subpart is being recodified into Part 4 as § 4.20.

#### **PART 4—OFFICIAL RECORDS AND INFORMATION**

3. In Part 4, by adding the following new sections.

##### **§ 4.20 Fee schedule for searching, supplying, and certifying records.**

(a) Certain routine information is provided to the general public at no charge; however, special informational services involving more than routine search and allocation of staff time are subject to fees as necessary to recover costs to the Government.

(b) Charges for special services regarding Food and Drug Administration records are as follows:

(1) Search for records and deletion of nondisclosable data and information: \$4 per hour. Where a substantial amount of time is spent by higher salaried professional, managerial, or program personnel in searching for or producing requested documents or in deleting nondisclosable data and information, special rates not to exceed the cost to the agency of such services will be determined and charged. (In determining these rates, the man-hours spent by such personnel, will be taken into account.)

(2) Reproduction, duplication, or copying of records: 25 cents for the first page and 10 cents for each subsequent page.

(3) Reproduction, duplication, or copying of microfilm: 50 cents per microfilm frame and 50 cents per microfiche.

(4) Certification or authentication of records: \$5 per certification.

(5) Forwarding material to destination: Postage, insurance, and special fees will be charged on an actual cost basis.

(c) This schedule does not apply to official records and information provided under § 4.1.

(d) The payment of fees may be waived by the Assistant Commissioner for Public Affairs on an adequate showing that the person making the request is indigent and that disclosure has a strong public interest justification.

(e) The Food and Drug Administration may furnish the requested documents to a private contractor for copying. Under these circumstances, the Food and Drug Administration will charge for the costs of searching for the documents and arranging for copying. The private contractor will charge directly for the cost of copying.

##### **§ 4.21 Informal enforcement action.**

Records of all informal enforcement action, such as letters to and responses from companies following factory inspection, recall or detention requests, letters to companies requesting other corrective measures, or other similar action, are made available for public disclosure.

##### **§ 4.22 Agency testing and research.**

(a) A list of nonregulatory testing and research being conducted by or with funds provided by the Food and Drug Administration (together with any research contract) is available for public disclosure.

(b) The results of testing or research conducted by or with funds provided by the Food and Drug Administration such as toxicological testing, compliance assays, methodology studies, and product testing, are available for public disclosure when the final report is complete. If such

results are disclosed in an authorized manner to any member of the public before the final report is available, they will be available for public disclosure to every member of the public who so requests.

##### **§ 4.23 Agency correspondence.**

All correspondence to or from members of the public, members of Congress, organization or company officials, or other persons who are not Government employees or special Government employees is available for public disclosure.

##### **§ 4.24 Summaries of telephone calls and meetings.**

(a) A summary of a telephone call or meeting involving only Government employees or special Government employees, including discussions by or with advisory committees or consultants, is an intra-agency or interagency memorandum that is not available for public disclosure except to the extent of non-confidential factual information.

(b) A summary of a telephone call or meeting involving any person who is not a Government employee or a special Government employee is available for public disclosure.

##### **§ 4.25 Trade secrets and confidential data or information.**

(a) Data and information which are submitted to the Food and Drug Administration or contained in any records of the Food and Drug Administration and which constitute trade secrets or which are confidential are not available for public disclosure. Such data and information will be deleted from any documents that are otherwise available for public disclosure before they are furnished to the public.

(b) A trade secret may consist of any formula, pattern, device, or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.

(c) Confidential data or information includes trade secrets and other valuable data or information of a type customarily held in strict confidence or regarded as privileged and not disclosed to the public by the person to whom it belongs.

##### **§ 4.26 Data and information submitted voluntarily.**

(a) Data and information submitted voluntarily to the Food and Drug Administration and not as a part of any petition, application, or other required submission or request for action are not available for public disclosure if clearly marked as confidential, good cause is shown to justify confidentiality, and the Food and Drug Administration accepts it on this basis. Whenever data or information are submitted voluntarily to the Food and Drug Administration and are marked confidential, a decision will be made prior to acceptance concerning whether it will be accepted on this basis. Applying the guidelines in this section and in Subpart B of Part 4, the director of the bureau to which the data or information is submitted will make the initial determination on whether good



cause has been shown to justify confidentiality of the material. If the director concludes that good cause has not been shown, the person submitting the material will be so informed and may appeal this decision to the Assistant Commissioner for Public Affairs whose decision on the matter will be final. If the final decision is that the data or information is not confidential and thus is available for public disclosure, the person will have the opportunity either not to make the submission or to submit it as not confidential.

(b) Safety, effectiveness, and functionality data and information for a developmental or marketed product are available for public disclosure unless the person submitting the data or information refuses to submit it except on a confidential basis.

(c) A protocol for a test or study is available for public disclosure unless it is adequately shown to constitute a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(d) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public.

(e) Production and sales data and information are not available for public disclosure except to the extent previously disclosed to the public.

(f) Adverse reaction and complaint data and information and product experience reports with the names of individuals deleted (including the name of the person using the product and the person reporting the information) are available for public disclosure unless the person submitting the data or information refuses to submit it except on a confidential basis. A compilation of such data, information, and reports which are received on a confidential basis will be available for public disclosure with the names of individuals deleted (including the person using the product and the person reporting the information). The names of manufacturers or product brand names will not be deleted prior to public disclosure unless the person submitting the data or information refuses to submit it except on that condition.

(g) Quantitative or semiquantitative formulae are not available for public disclosure except to the extent previously disclosed to the public. A list of all ingredients contained in a product or a list of all products containing a specified ingredient or a list of all products known to possess a particular characteristic or any similar list is available for public disclosure. A particular ingredient (or product containing that ingredient) may be excluded from any such list upon a showing that the ingredient is a trade secret in that it is unique, is important to the product, and is not known to competitors.

(h) Every person who has voluntarily submitted data or information to the Food and Drug Administration prior to the effective date of this section may submit in writing, within 180 days after such effective date, a request that specified data and information which are contained in the submission(s) and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request must be accompanied by a statement justifying confidentiality. Any such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with paragraph (a) of this section) are not exempt from public disclosure will be available for public disclosure at the end of this 180-day period. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In special cases where requests for public disclosure of documents are pending, the Food and Drug Administration may ask for an expedited submission on this matter.

(i) Data and information that may be required to be submitted to the Food and Drug Administration but that are submitted voluntarily instead are not subject to the provisions of this section and will be handled as if they had been required to be submitted.

#### § 4.27 Intra-agency and interagency memoranda.

(a) Intra-agency and interagency memoranda which would not be available by law to a private party in litigation with the agency are not available for public disclosure.

(b) Factual information contained in intra-agency or interagency memoranda that are otherwise exempt from public disclosure are available for public disclosure.

#### § 4.28 Data and information previously made available to the public.

All data and information contained in Food and Drug Administration files that have in any way previously been furnished to anyone other than an employee or paid consultant in an authorized manner by any person will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any data or information submitted to the Food and Drug Administration that is requested to be retained as confidential must be accompanied by a statement that the information has not previously been published or furnished to anyone other than an employee or paid consultant. Any such statement is subject to the False Report to the Government Act, 18 U.S.C. 1001.

#### § 4.29 Disclosure in administrative or court proceedings.

Data and information otherwise exempt from public disclosure may be revealed in Food and Drug Administration

administrative or court proceedings where the data or information are relevant. The Food and Drug Administration will request that the data or information be held in camera and that any other appropriate measures be taken to reduce public disclosure to the minimum necessary under the circumstances.

#### § 4.30 Disclosure to consultants and advisory committees.

Data and information otherwise exempt from public disclosure may be disclosed to Food and Drug Administration consultants, advisory committees, and other special Government employees. Such persons are thereafter subject to the same restrictions with respect to the disclosure of such data and information as any other Food and Drug Administration employee.

#### § 4.31 Disclosure of identity of individuals.

(a) The names of individuals submitting data or information to the Food and Drug Administration (including the names of consumers who write the Food and Drug Administration) are available for public disclosure unless a request for confidentiality is included or clearly implied. Any such request for confidentiality with respect to the name, address, or other identifying characteristic of an individual will be honored, but requests for confidentiality of corporate names will not be honored unless extraordinary circumstances are shown.

(b) The names or other identifying characteristics of individuals participating as patients or research subjects in any test, study, or other research project will be deleted before the data or information with respect to such test or study are disclosed to the public. Such names or other identifying characteristics should be replaced by a coded means of identification prior to making any such submission (e.g., as part of an IND or NDA) to the Food and Drug Administration. Should the Food and Drug Administration need the actual names of such individuals for followup purposes, a separate request will be made.

#### § 4.32 Investigatory files compiled for law enforcement purposes.

No data or information contained in investigatory files compiled for law enforcement purposes (including correspondence, memoranda, test results, and information obtained from factory inspections) will be made available for public disclosure until after a decision has been made not to institute informal or formal enforcement action or until such action is completed or until the statute of limitations runs, whichever occurs first. At such time the factual information contained in the file will be made available for public disclosure except that opinions, policy recommendations, intra-agency and interagency memoranda, statements of witnesses obtained through promises of confidentiality, names of individuals, trade secrets, and other confidential information will be deleted.



#### § 4.33 Situations for which confidentiality is uncertain.

In situations where the confidentiality of data or information is uncertain and there is a request for its public disclosure, the Food and Drug Administration will consult the person who has submitted the data or information before concluding whether it is available for public disclosure.

#### § 4.34 Use of data or information for formal or informal actions.

Nothing in this part or this title shall prevent the Food and Drug Administration from using any data or information, whether obtained voluntarily or involuntarily and whether or not it is confidential, as the basis for taking any formal or informal action within its jurisdiction.

#### § 4.35 Nonspecific and overly burdensome requests.

The Food and Drug Administration will make every reasonable effort to comply fully with all requests for disclosure of nonexempt records. Nonspecific requests or requests for a large number of documents that require the deployment of a substantial amount of agency man-hours to search and compile will be processed taking into account the man-hours required, the tasks from which these resources must be diverted, the impact that this diversion will have upon the agency's consumer protection activities, and the public policy reasons justifying the requests. A decision on the processing of such a request for information shall be made after balancing the public benefit to be gained by the disclosure against the public loss that will result from diverting agency personnel from their other responsibilities. In any situation in which a request for information cannot fully be complied with under these circumstances, the person making the request will be asked to be more specific or to narrow the request, and an attempt will be made to provide as much of the type of data or information sought as is feasible under the circumstances.

#### § 4.36 Availability of documents.

(a) In any situation where a document is available for public disclosure, but a portion of the data or information contained in the document is not available for such disclosure (e.g., it contains a trade secret or confidential information or names of individuals or law enforcement information), the portion that is not available for disclosure will be deleted before the document is disclosed to the public.

(b) A document that is ordinarily available for public disclosure (e.g., a letter within § 4.23 or a memorandum within § 4.24(b)) will not be available for such disclosure if it falls within an exemption (e.g., it is part of a law enforcement file within § 4.32 or is confidential within § 4.25).

### PART 8—COLOR ADDITIVES

4. In Part 8, by revising § 8.9 to read as follows:

#### § 8.9 Confidentiality of petition.

(a) All data and information submitted with or incorporated by reference in a petition shall be clearly marked confidential if the petitioner considers it to be confidential and exempt from public disclosure. Adequate grounds must be given to justify the confidentiality of each item so marked. All data and information previously made public in any authorized manner will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any such request shall state that the data or information so specified has not previously been made available to any person who is not an employee or paid consultant or shall explain why the data or information should remain confidential in spite of such prior disclosure. Applying the guidelines in this section and in Subpart B of Part 4, the Director of the Bureau of Foods will make the initial determination on whether information marked confidential will be available for public disclosure. If the Director concludes that an item so marked is not exempt from public disclosure, the petitioner or master file holder will be so informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) All safety and functionality data and information submitted with or incorporated by reference in a petition are available for public disclosure after the regulation is promulgated unless extraordinary circumstances are shown.

(c) A protocol for a test or study is available for public disclosure unless an adequate showing is made that it constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(d) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public by the petitioner or master file holder.

(e) An assay method is not available for public disclosure except to the extent previously disclosed to the public by the petitioner or master file holder unless it must be available to permit manufacturers to comply with limits established for the additive. The availability of an assay method will be included in the regulation.

(f) Every person who has filed a petition prior to the effective date of this section may submit in writing to the Food and Drug Administration, within 180 days after such effective date, a request that specified safety, functionality, protocol, or assay data

and information which are contained in the petition and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request must be accompanied by a statement justifying confidentiality. Any such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with paragraph (a) of this section) are not exempt from public disclosure will be made available to the public at the end of this 180-day period. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In cases where requests for public disclosure of documents are pending, the Food and Drug Administration may ask for an expedited submission on this matter.

### PART 121—FOOD ADDITIVES

5. In Part 121, by revising paragraph (h) in § 121.51 to read as follows:

#### § 121.51 Petitions proposing regulations for food additives.

(h) (1) All data and information submitted with or incorporated by reference in a petition shall be clearly marked confidential if the petitioner considers it to be confidential and exempt from public disclosure. Adequate grounds must be given to justify the confidentiality of each item so marked. All data and information previously made public in any authorized manner will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any such request shall state that the data or information so specified has not previously been made available to any person who is not an employee or paid consultant or shall explain why the data or information should remain confidential in spite of such prior disclosure. Applying the guidelines in subparagraphs (2) through (5) of this paragraph and Subpart B of Part 4, the Director of the Bureau of Foods will make the initial decision on whether information marked confidential will be available for public disclosure. If the Director concludes that an item so marked is not exempt from public disclosure, the petitioner or master file holder will be so informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(2) All safety and functionality data and information submitted with or incorporated by reference in a petition are available for public disclosure after the regulation is promulgated unless extraordinary circumstances are shown.

(3) A protocol for a test or study is available for public disclosure unless an



adequate showing is made that it constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(4) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public by the petitioner or master file holder.

(5) An assay method is not available for public disclosure except to the extent previously disclosed to the public by the petitioner or master file holder unless it must be available to permit manufacturers to comply with limits established for the additive. The availability of an assay method will be included in the regulation.

(6) Every person who has filed a petition prior to the effective date of this section may submit in writing to the Food and Drug Administration, within 180 days after such effective date, a request that specified safety, functionality, protocol, or assay data and information which are contained in the petition and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request must be accompanied by a statement justifying confidentiality. Any such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with subparagraph (1) of this paragraph) are not exempt from public disclosure will be made available to the public at the end of this 180-day period. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In cases where requests for public disclosure of documents are pending, the Food and Drug Administration may ask for an expedited submission on this matter.

## PART 130—NEW DRUGS

### 6. In Part 130:

a. By adding a new item 14 to the form in paragraph (c) (2) of § 130.4, as follows:

#### § 130.4 Applications.

(c) \* \* \*

(2) \* \* \*

14. A summary of all the safety and effectiveness data and information submitted with or incorporated by reference in the application (including an IND, supplemental NDA, § 130.13 report, master file, or other similar submission). The summary will be reviewed and, where appropriate, revised by the Food and Drug Administration and will be available for public disclosure when the application is approved. A current summary will be submitted by the applicant and will be re-

viewed and revised for each submission made subsequent to approval of the application. The summary does not constitute the full reports of investigations required under section 505(b) (1) of the act on which the safety or efficacy of the drug may be approved.

b. By revising § 130.32 to read as follows:

#### § 130.32 Confidentiality of data and information.

(a) The existence of an IND is confidential and will not be publicly disclosed unless it has previously been acknowledged by the sponsor. The Assistant Commissioner for Public Affairs will maintain a list available for public inspection of pending NDA's. The list will disclose the name of the drug and the name of the applicant. An applicant may submit to the Food and Drug Administration a request to exclude his NDA from the list for good cause. The Director of the Bureau of Drugs will make the initial determination on whether good cause has been shown. If the Director concludes that good cause has not been shown, the sponsor or applicant may appeal this decision to the Assistant Commissioner for Public Affairs whose decision on the matter will be final.

(b) Prior to the termination or discontinuation of an IND or the approval of an NDA, all data and information submitted or incorporated by reference in the IND file are confidential and not available for public disclosure except to the extent previously made public in an authorized manner by the sponsor or master file holder.

(c) All data and information submitted or incorporated by reference in an NDA file (including an IND, supplemental NDA, § 130.13 report, master file, or other similar submission) shall be clearly marked confidential if the applicant considers it to be confidential and exempt from public disclosure. Adequate grounds must be given to justify the confidentiality of each item so marked. All data and information previously made public in any authorized manner will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any request for confidentiality shall state that the data or information so marked has not previously been made available to any person who is not an employee or paid consultant or shall explain why the data or information should remain confidential in spite of such prior disclosure. Applying the guidelines in this section and in Subpart B of Part 4, the Director of the Bureau of Drugs will make the initial decision on whether information marked confidential will be available for public disclosure. If the Director concludes that an item so marked is not exempt from public disclosure, the applicant or master file holder will be so informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(d) Unless otherwise publicly disclosed, no safety and effectiveness data and information submitted with or incorporated by reference in an NDA file are available for public disclosure until the Food and Drug Administration withdraws approval of the NDA or determines that the drug is not a new drug or may be marketed pursuant to an abbreviated NDA. All such data and information are available for public disclosure when the Food and Drug Administration withdraws approval of the NDA or determines that the drug is not a new drug or may be marketed pursuant to an abbreviated NDA unless extraordinary circumstances are shown.

(e) A protocol for a test or study is available for public disclosure unless an adequate showing is made that it constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(f) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public by the sponsor or applicant or master file holder.

(g) An assay method is not available for public disclosure except to the extent previously disclosed to the public by the sponsor or applicant or master file holder unless it must be available to permit other manufacturers to comply with limits established for the drug under an old drug monograph or an abbreviated NDA. The availability of an assay method will be included in the regulation.

(h) All safety and effectiveness data and information contained in an IND file which has been discontinued or terminated are available for public disclosure unless extraordinary circumstances are shown.

(i) Adverse reaction data and information are available for public disclosure with the names and other identifying information of individuals deleted (including the person using the product and the person reporting the information).

(j) Production and sales data and information are not available for public disclosure except to the extent previously disclosed to the public.

(k) Quantitative or semiquantitative formulae are not available for public disclosure except to the extent previously disclosed to the public. A list of all ingredients contained in a product or a list of all products containing a specified ingredient or a list of all products known to possess a particular characteristic or any similar list is available for public disclosure. A particular ingredient (or product containing that ingredient) may be excluded from any such list upon a showing that the ingredient is a trade secret in that it is unique, is important to the product, and is not known to competitors.

(l) Every person who has submitted an IND or NDA file prior to the effective



date of this section may submit in writing to the Food and Drug Administration, within 180 days after such effective date, a request that specified data and information which are contained in the submission(s) and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request must be accompanied by a statement justifying confidentiality. Any such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with paragraph (c) of this section) are not exempt from public disclosure will be made available to the public at the end of this 180-day period. An extension in the 180-day time period will be granted upon a showing that the volume of prior submissions precludes completion of this job within that time and will be conditioned upon prompt filing of all requests for confidentiality as they are completed. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In cases where requests for public disclosure of documents are pending, the Food and Drug Administration may ask for an expedited decision on this matter. A summary of all safety and effectiveness data and information as required by § 130.4 (c)(2)(14) must accompany a request for confidentiality. If the request for confidentiality is granted, the summary and all nonconfidential information will be made available for public disclosure.

## PART 135—NEW ANIMAL DRUGS

### 7. In Part 135:

a. In § 135.4a(b), by redesignating subparagraph (13) *Assembling and binding the application* as subparagraph (15) and adding a new subparagraph (13) as follows (a new subparagraph (14) will be proposed in the near future):

#### § 135.4a New animal drug applications.

(b) \* \* \*

(13) *Summary of safety and effectiveness data and information.* A summary shall be given of all the safety and effectiveness data and information submitted with or incorporated by reference in the application (including an INAD, supplemental NADA, § 135.14a or § 135.14b report, master file, or other similar submission). The summary will be reviewed and, where appropriate, revised by the Food and Drug Administration and will be available for public disclosure when the application is approved. A current summary will be submitted by the applicant and will be reviewed and revised for each submission made subsequent to approval of the application. The summary does not constitute the full reports of investigations required under section 512(b)(1) of the act on which the safety or efficacy of the drug may be approved.

b. By revising § 135.33 to read as follows:

#### § 135.33 Confidentiality of data and information.

(a) The existence of an IND is confidential and will not be publicly disclosed unless it has previously been acknowledged by the sponsor. The Assistant Commissioner for Public Affairs will maintain a list available for public inspection of pending NADA petitions. The list will disclose the name of the drug and the name of the applicant. An applicant may submit to the Food and Drug Administration a request to exclude his NADA from the list for good cause. The Director of the Bureau of Veterinary Medicine will make the initial determination on whether good cause has been shown. If the Director concludes that good cause has not been shown, the applicant may appeal this decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Prior to the termination or discontinuation of an INAD or the approval of an NADA, all data and information submitted or incorporated by reference in the INAD file are confidential and not available for public disclosure except to the extent previously made public in an authorized manner by the sponsor or master file holder.

(c) All data and information submitted or incorporated by reference in an NADA file (including an INAD, supplemental NADA, § 135.14a or § 135.14b report, master file, or other similar submission) shall be clearly marked confidential if the sponsor or applicant considers it to be confidential and exempt from public disclosure. Adequate grounds must be given to justify the confidentiality of each item so marked. All data and information previously made public in any authorized manner will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any request for confidentiality shall state that the data or information so marked has not previously been made available to any person who is not an employee or paid consultant or shall explain why the data or information should remain confidential in spite of such prior disclosure. Applying the guidelines in this section and in Subpart B of Part 5, the Director of the Bureau of Veterinary Medicine will make the initial decision on whether information marked confidential will be available for public disclosure. If the Director concludes that an item so marked is not exempt from public disclosure, the applicant or master file holder will be so informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(d) Unless otherwise publicly disclosed, no safety and effectiveness data and information submitted with or incorporated by reference in an NADA file are available for public disclosure until the Food and Drug Administration withdraws approval of the NADA or determines that the drug is not a new animal

drug or may be marketed pursuant to an abbreviated NADA. All such data and information are available for public disclosure when the Food and Drug Administration withdraws approval of the NADA or determines that the drug is not a new animal drug or may be marketed pursuant to an abbreviated NADA, unless extraordinary circumstances are shown.

(e) A protocol for a test or study is available for public disclosure unless an adequate showing is made that it constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(f) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public by the sponsor or applicant or master file holder.

(g) An assay method is not available for public disclosure except to the extent previously disclosed to the public by the sponsor or applicant or master file holder except pursuant to section 512(i) of the act or unless it must be available to permit other manufacturers to comply with limits established for the drug under an old animal drug monograph or an abbreviated NADA. The availability of an assay method will be included in the regulation.

(h) All safety and effectiveness data and information contained in an INAD file which has been discontinued or terminated are available for public disclosure unless extraordinary circumstances are shown.

(i) Adverse reaction data and information are available for public disclosure with the names of individuals deleted.

(j) Production and sales data, and information are not available for public disclosure except to the extent previously disclosed to the public.

(k) Quantitative or semiquantitative formulae are not available for public disclosure except to the extent previously disclosed to the public. A list of all ingredients contained in a product or a list of all products containing a specified ingredient or a list of all products known to possess a particular characteristic or any similar list is available for public disclosure. A particular ingredient (or product containing that ingredient) may be excluded from any such list upon a showing that the ingredient is a trade secret in that it is unique, is important to the product, and is not known to competitors.

(1) Every person who has submitted an INAD or NADA file prior to the effective date of this section may submit in writing to the Food and Drug Administration, within 180 days after such effective date, a request that specified data and information which are contained in the submission(s) and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request must be accompanied by a statement justifying confidentiality. Any



such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with paragraph (c) of this section) are not exempt from public disclosure will be made available to the public at the end of this 180-day period. An extension in the 180-day time period will be granted upon a showing that the volume of prior submissions precludes completion of this job within that time and will be conditioned upon prompt filing of all requests for confidentiality as they are completed. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In cases where requests for public disclosure of documents are pending, the Food and Drug Administration may ask for an expedited submission on this matter. A summary of safety and functionality data and information as required by § 135.4a(b) (13) must accompany a request for confidentiality. If the request for confidentiality is granted, the summary and all nonconfidential information will be made available for public disclosure.

#### PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

8. In Part 146, by adding the following new section:

##### § 146.16 Confidentiality of data and information.

(a) The existence of an IND is confidential and will not be publicly disclosed unless it has been previously acknowledged by the sponsor. The Assistant Commissioner for Public Affairs will maintain a list available for public inspection of pending Forms 5. The list will disclose the name of the drug and the name of the applicant. An applicant may submit to the Food and Drug Administration a request to exclude his Form 5 from the list for good cause. The Director of the Bureau of Drugs will make the initial determination on whether good cause has been shown. If the Director concludes that good cause has not been shown, the sponsor or applicant may appeal this decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Prior to the termination or discontinuation of an IND or the approval of an NDA, all data and information submitted or incorporated by reference in an IND file are confidential and not available for public disclosure except to the extent previously made public in an authorized manner by the sponsor or master file holder. All data and information submitted or incorporated by reference in any form submitted pursuant to § 146.13 or § 146.14 shall be clearly marked confidential if the sponsor or applicant considers it to be confidential and exempt from public disclosure. Adequate grounds must be given to justify the confidentiality of each item so marked. All data and information previously

made public in any authorized manner will not be retained by the Food and Drug Administration as confidential unless extraordinary circumstances are shown. Any such request shall state that the data or information so specified has not previously been made available to any person who is not an employee or paid consultant or shall explain why the data or information should remain confidential in spite of such prior disclosure. Applying the guidelines in this section and in Subpart B of Part 4, the Director of the Bureau of Drugs will make the initial decision on whether information marked confidential will be available for public disclosure. If the Director concludes that an item so marked is not exempt from public disclosure, the applicant or master file holder will be so informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(c) All safety and effectiveness data and information submitted with or incorporated by reference in any form submitted pursuant to § 146.13 or § 146.14 are available for public disclosure after approval of the drug unless extraordinary circumstances are shown.

(e) A protocol for a test or study is available for public disclosure unless an adequate showing is made that it constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or a paid consultant, has been developed at significant cost, and provides a competitive advantage.

(f) Manufacturing methods or processes, including quality control procedures, are not available for public disclosure except to the extent previously disclosed to the public by the applicant or master file holder.

(g) All safety and effectiveness data and information contained in an IND file which has been discontinued or terminated or contained in a Form 5 file for which the Food and Drug Administration has withdrawn approval for any reason will be available for public disclosure unless extraordinary circumstances are shown.

(h) Adverse reaction data and information are available for public disclosure with the names and other identifying information of individuals deleted (including the person using the product and the person reporting the information).

(i) Production and sales data and information are not available for public disclosure except to the extent previously disclosed to the public.

(j) Quantitative or semiquantitative formulae are not available for public disclosure except to the extent previously disclosed to the public. A list of all ingredients contained in a product or a list of all products containing a specified ingredient or a list of all products known to possess a particular characteristic or any similar list is available for public disclosure. A particular ingredient (or product containing that ingredient) may be excluded from any such list upon a showing that the ingredient is a trade

secret in that it is unique, is important to the product, and is not known to competitors.

(k) Every person who has filed an IND or any form pursuant to § 146.13 or § 146.14 prior to the effective date of this section may submit in writing to the Food and Drug Administration, within 180 days after such effective date, a request that specified safety, effectiveness, protocol, or assay data and information which are contained in the submission(s) and which will otherwise be available for public disclosure in accordance with the principles established in this section shall be retained as confidential and exempt from public disclosure. This request shall be accompanied by a statement justifying confidentiality. Any such data and information for which confidentiality is not requested or which the Food and Drug Administration concludes (in accordance with paragraph (c) of this section) are not exempt from public disclosure, will be made available to the public at the end of this 180-day period. An extension of the 180-day period will be granted upon a showing that the volume of prior submissions precludes completion of this job within that time and will be conditioned upon prompt filing of all requests for confidentiality as they are completed. The Food and Drug Administration may defer ruling upon such a request for confidentiality of specified data or information until a request for public disclosure of that data or information is received. In cases where public requests for information are pending, the Food and Drug Administration may ask for an expedited submission on this matter.

#### PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

9. In Part 191, by adding a new paragraph (d) to § 191.213, as follows:

##### § 191.213 Presentation of views under section 7 of the act.

(d) The documents relating to this proceeding constitute an investigatory file for law enforcement purposes and may include interagency and intra-agency memoranda. No data or information contained in this file are available for public disclosure prior to the file's being closed or the statute of limitations' running, whichever occurs first. After the file is closed or the statute of limitations runs, the factual information contained in the file will be made available for public disclosure except that opinions, policy recommendations, interagency and intra-agency memoranda, statements of witnesses obtained through promises of confidentiality, names of individuals, trade secrets, and other confidential information will be deleted.

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, Maryland 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 1, 1972.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.  
[FR Doc.72-6864 Filed 5-4-72;8:47 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-15]

### TRANSITION AREA Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area at Rexburg-Madison County Airport, Rexburg, Idaho.

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, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The 700-foot transition area is required to contain IFR arrival and departure operations not protected by other controlled airspace.

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

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

REXBURG, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of the Rexburg-Madison County Airport (latitude 43°49'30" N.; longitude 111°49'00" W.).

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 Seattle, Wash., on April 26, 1972.

J. H. TANNER,  
Acting Director, Northwest Region.  
[FR Doc.72-6856 Filed 5-4-72;8:46 am]

### [14 CFR Part 71]

[Airspace Docket No. 72-SO-39]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Nashville transition area described in § 71.181 (37 F.R. 2143 and 2836) would be amended as follows:

"\* \* \* 21.5 miles southeast of the VORTAC \* \* \*" would be deleted and "\* \* \* 21.5 miles southeast of the VORTAC; within 3 miles each side of the 138° bearing from Sewart RBN (lat. 35°57'19" N., long. 86°27'45" W.), extending from the 8.5-mile-radius area to 8.5 miles southeast of the RBN \* \* \*" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 32 Instrument Approach Procedure to Smyrna Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 27, 1972.

DUANE W. FREER,  
Acting Director, Southern Region.  
[FR Doc.72-6857 Filed 5-4-72;8:46 am]

### National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-20; Notice 4]

### ACCELERATOR CONTROL SYSTEMS

#### Time of Throttle Return to Idle; Extension of Time To Comment

This notice extends the comment period on Notice 4 of Docket 69-20 (37 F.R. 7108, April 8, 1972) from May 8, 1972, to July 7, 1972. This action is in response to timely requests filed by several manufacturers to allow additional time to perform tests and develop a response.

Issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 501.8.

Issued on May 2, 1972.

ROBERT L. CARTER,  
Acting Associate Administrator,  
Motor Vehicle Programs.  
[FR Doc.72-6952 Filed 5-3-72;12:48 pm]

## FEDERAL LABOR RELATIONS COUNCIL

[5 CFR Part 2411]

### REVIEW FUNCTIONS OF THE COUNCIL

#### Notice of Proposed Rule Making

Notice is hereby given that the Federal Labor Relations Council, pursuant to section 4(b) of Executive Order 11491 of October 29, 1969, as amended, is considering the adoption of revised rules governing the review functions of the Council. A draft of the proposed rules is set out below as Part 2411 of Subchapter B of Chapter XIV of Title 5 of the Code of Federal Regulations. This part describes requirements and procedures for filing appeals to the Council and the manner in which the Council will process such appeals, including issuance of its decisions.

Interested persons may submit their views and suggestions in writing to the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, DC 20415. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before the Council takes final action on the proposed rules.



## PART 2411—REVIEW FUNCTIONS OF THE COUNCIL

### Subpart A—General Provisions

- Sec.  
2411.1 Scope.  
2411.2 Coverage.  
2411.3 Definitions.  
2411.4 Policy questions.

### Subpart B—Review of Decisions of the Assistant Secretary

- 2411.11 Purpose.  
2411.12 Considerations governing review.  
2411.13 Who may file a petition; time limit for filing; opposition; service.  
2411.14 Content of petition.  
2411.15 Council action on acceptance.  
2411.16 Filing of briefs; Assistant Secretary as a party.  
2411.17 Council decision; compliance actions.

### Subpart C—Review of Negotiability Issues

- 2411.21 Purpose.  
2411.22 Conditions governing review.  
2411.23 Who may file a petition; time limits for filing; service.  
2411.24 Content of petition.  
2411.25 Position of the agency; time limits for filing.  
2411.26 Referral by the Federal Service Impasses Panel.  
2411.27 Council decision.

### Subpart D—Review of Arbitration Awards

- 2411.31 Purpose.  
2411.32 Considerations governing review.  
2411.33 Who may file a petition; time limits for filing; opposition; service.  
2411.34 Content of petition.  
2411.35 Council action on acceptance.  
2411.36 Filing of briefs.  
2411.37 Council decision.

### Subpart E—General Requirements

- 2411.41 Interlocutory appeals.  
2411.42 Approval of submission.  
2411.43 Where to file.  
2411.44 Number of copies.  
2411.45 Time limits; computation; extension.  
2411.46 Service; statement of service.  
2411.47 Stay of decision or award.  
2411.48 Oral argument.  
2411.49 Amicus curiae.  
2411.50 Transfer of record.  
2411.51 Matters not previously presented; judicial notice.  
2411.52 Advisory opinions.  
2411.53 Distribution of Council decisions.

**AUTHORITY:** The provisions of this Part 2411 issued under 5 U.S.C. 552; E.O. 11491, 3 CFR, 1966-1970 Comp., p. 861; as amended by E.O. 11616, 36 F.R. 17319, and E.O. 11636, 36 F.R. 24901.

### Subpart A—General Provisions

#### § 2411.1 Scope.

This part sets forth the procedures under which the Council will review decisions of the Assistant Secretary issued pursuant to section 6 of the order, negotiability issues as provided in section 11(c) of the order, and arbitration awards under the order.

#### § 2411.2 Coverage.

This part applies to employees, agencies, and labor organizations covered by the order.

#### § 2411.3 Definitions.

In this part—

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service," as amended by Executive Order 11616 of August 26, 1971, and by Executive Order 11636 of December 17, 1971.

(b) "Executive Director" means the Executive Director of the Council.

(c) "Party" means any person, employee, labor organization, or agency that participated as a party—

(1) In a matter that was decided by the Assistant Secretary under section 6 of the order; or

(2) In a matter that was decided by an agency head under section 11(c) of the order; or

(3) In a matter where the award of an arbitrator was issued under the order.

(d) Terms defined in the order are used in this part with the meaning attached to them in the order.

#### § 2411.4 Policy questions.

Notwithstanding the procedures set forth in this part, the Assistant Secretary or the Panel may refer for review and decision or general ruling by the Council any case involving a major policy issue that arises in a proceeding before either of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Council shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate.

### Subpart B—Review of Decisions of the Assistant Secretary

#### § 2411.11 Purpose.

This subpart, together with Subpart E, sets forth the procedures under which the Council will review decisions of the Assistant Secretary issued pursuant to section 6 of the order.

#### § 2411.12 Considerations governing review.

A petition for review of a decision of the Assistant Secretary is not a matter of right, but of discretion, and, subject to the requirements of this part, will be granted only where there are major policy issues present or where it appears that the decision was arbitrary and capricious.

#### § 2411.13 Who may file a petition; time limit for filing; opposition; service.

(a) Any party aggrieved by a final decision of the Assistant Secretary may petition the Council for review.

(b) The time limit for filing is 20 days from the date the decision was served on the party seeking review.

(c) An opposition to Council acceptance of a petition for review may be filed by any party within 15 days from the date of service of the petition.

(d) A copy of the petition for review and of any opposition to acceptance shall be served by the filing party simultane-

ously on the other parties and on the Assistant Secretary.

#### § 2411.14 Content of petition.

A petition must be a self-contained document enabling the Council to rule on acceptance for review on the basis of its content without the necessity of recourse to the record. The petition must contain:

(a) A concise statement of the grounds on which review is requested;

(b) A summary of the evidence or rulings bearing on the issues, together with a summary of the arguments; and

(c) A copy of the decision of the Assistant Secretary which is being appealed.

#### § 2411.15 Council action on acceptance.

The Council shall review the petition and, if 50 percent or more of its members determine that the matter should be considered, the petition will be accepted. The Council shall promptly notify the parties whether the petition has been accepted or rejected.

#### § 2411.16 Filing of briefs; Assistant Secretary as a party.

(a) Within 15 days from the date of service by the Council of notice to the parties that the petition is accepted for review, the parties may file briefs with the Council (with specific references to the pertinent documents and, where applicable, with citations of authorities) which shall be served on the other parties.

(b) Where the Council grants review, the Assistant Secretary may, at his discretion, intervene and become a party to the proceeding.

#### § 2411.17 Council decision; compliance actions.

(a) A decision of the Assistant Secretary shall be sustained unless it is arbitrary and capricious or inconsistent with the purposes of the order.

(b) The Council shall issue its decision on the case sustaining, enforcing, modifying, and enforcing as so modified, setting aside in whole or in part, or remanding the decision of the Assistant Secretary.

(c) The Council has the overall responsibility to assure compliance with the Executive order and decisions rendered thereunder. However, the Council shall first remand the action to the Assistant Secretary for purposes of compliance consistent with its decision, without limitation on the power of the Council. If the Assistant Secretary finds the necessary action for compliance has not been taken, the matter shall revert to the Council for appropriate action.

### Subpart C—Review of Negotiability Issues

#### § 2411.21 Purpose.

This subpart, together with subpart E, sets forth the procedures under which the Council will review negotiability issues as provided in section 11(c) of the order.



**§ 2411.22 Conditions governing review.**

The Council will consider a negotiability issue under the conditions prescribed by section 11(c)(4) of the order, namely: If, in connection with negotiations, the head of an agency (or his designee) has determined that a proposal is contrary to law, regulation, or the order and therefore not negotiable, a labor organization may appeal to the Council for a decision when—

(a) It disagrees with the agency head's determination that the proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order; or

(b) It believes that the agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or the order.

**§ 2411.23 Who may file a petition; time limits for filing; service.**

(a) A petition for review of a negotiability issue may be filed by a labor organization which is a party to the negotiations.

(b) The time limit for filing is 20 days from the date the agency head's determination was served on the labor organization. However, review of a negotiability issue may be requested by a labor organization under this subpart without a prior determination by the agency head, if the agency head has not made a decision—

(1) Within 45 days after a party to the negotiations initiates referral of the issue for determination, in writing, through prescribed agency channels; or

(2) Within 15 days after receipt by the agency head of a written request for such determination following referral through prescribed agency channels, or following direct submission if no agency channels are prescribed.

(c) A copy of the petition shall be served simultaneously on the other party.

**§ 2411.24 Content of petition.**

A petition for review shall contain the following:

(a) A statement setting forth the matter proposed to be negotiated as submitted to the agency head for determination.

(b) A copy of the agency head's determination on the proposal, and other documentary material pertinent to the issue.

(c) A full and detailed statement of the labor organization's position and reasons for:

(1) Disagreeing with the agency head's determination that the proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order; or

(2) Believing that the agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency or the order. In this circumstance the statement shall cite the particular section of law, regulation, or the order believed to be violated by the agency's regulations.

**§ 2411.25 Position of the agency; time limits for filing.**

Within 15 days from the date of service of a copy of a petition for review of a negotiability issue the agency shall file a full statement of its position on any matters relevant to the petition which it wishes the Council to consider in reaching its decision.

**§ 2411.26 Referral by the Federal Service Impasses Panel.**

(a) Notwithstanding the procedures of this subpart, except § 2411.22, when the Panel finds that a negotiability issue is impeding the resolution of a negotiation impasse, the Panel may refer the negotiability issue to the Council for decision.

(b) A referral by the Panel shall contain:

(1) The matter proposed to be negotiated as submitted to the agency head for determination;

(2) The agency head's determination thereon;

(3) Statements of position from each party with supporting evidence and argument; and

(4) Any other appropriate documents of record.

(c) The Panel may refer a negotiability issue for decision by the Council at any time during its consideration of a negotiation impasse.

**§ 2411.27 Council decision.**

Subject to the requirements of this part, the Council shall issue its decision sustaining or setting aside in whole or in part, or remanding the agency head's determination.

**Subpart D—Review of Arbitration Awards****§ 2411.31 Purpose.**

This subpart, together with Subpart E, sets forth the procedures under which the Council will review arbitration awards under the order.

**§ 2411.32 Considerations governing review.**

Subject to the requirements of this part, the Council will grant a petition for review of an award of an arbitrator on grounds similar to those applied by the courts in private sector labor-management relations. The Council will not review an advisory arbitration award.

**§ 2411.33 Who may file a petition; time limits for filing; opposition; service.**

(a) Any party aggrieved by an arbitration award may petition the Council for review.

(b) The time limit for filing is 20 days from the date the award was served on the party seeking review.

(c) An opposition to Council acceptance of a petition for review may be filed by any party within 15 days from the date of service of the petition.

(d) A copy of the petition shall be served simultaneously on the other party.

**§ 2411.34 Content of petition.**

A petition must be a self-contained document enabling the Council to rule

on acceptance for review on the basis of its content without necessity of recourse to the record. The petition must contain:

(a) A concise statement of the grounds on which review is requested;

(b) A summary of the evidence or rulings bearing on the issues, together with a summary of the arguments; and

(c) A copy of the award of the arbitrator and other pertinent documents.

**§ 2411.35 Council action on acceptance.**

The Council shall review the petition and, if 50 percent or more of its members determine that the matter should be considered, the petition will be accepted. The Council shall promptly notify the parties whether the petition has been accepted or rejected.

**§ 2411.36 Filing of briefs.**

Within 15 days from the date of service by the Council of notice to the parties that the petition is accepted for review, the parties may file briefs with the Council (with specific reference to the pertinent documents and, where applicable, with citations of authorities) which shall be served on the other parties.

**§ 2411.37 Council decision.**

(a) An award of an arbitrator shall be sustained on grounds similar to those applied by the courts in private sector labor-management relations.

(b) The Council shall issue its decision sustaining, modifying, setting aside in whole or in part, or remanding the award.

**Subpart E—General Requirements****§ 2411.41 Interlocutory appeals.**

There shall be no interlocutory appeals. The Council will not consider a petition for review until a final decision or award has been rendered.

**§ 2411.42 Approval of submission.**

The Council shall consider a petition from an agency or labor organization only when the head of the agency (or his designee), or the national president of the labor organization (or his designee), or the president of a labor organization not affiliated with a national organization (or his designee), as appropriate, has approved submission of the petition.

**§ 2411.43 Where to file.**

A document submitted to the Council pursuant to this part shall be filed with the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, DC 20415.

**§ 2411.44 Number of copies.**

Unless otherwise provided by the Executive Director, any document filed with the Council under this part shall be submitted in an original and three copies.

**§ 2411.45 Time limits; computation; extension.**

(a) When a time limit for filing is established under this part, the document must be received in the office of the



Council before the close of business of the last day of the time limit.

(b) In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included; but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. Also, when a period of time prescribed or allowed is 7 days or less, intermittent Saturdays, Sundays, and Federal legal holidays shall be excluded in the computation.

(c) Whenever a party has the right or is required to do some act pursuant to this part within a prescribed period after service of a notice or other paper upon him and the notice or paper is served on him by mail, 3 days shall be added to the prescribed period: *Provided, however, That 3 days shall not be added if any extension of time may have been granted.*

(d) The Executive Director may extend any time limit provided in this part for good cause shown, and shall notify the parties of any such extension.

#### § 2411.46 Service; statement of service.

(a) Any party filing a document as provided in this part is responsible for simultaneously serving a copy on the other parties.

(b) A statement of service shall be submitted at the time of filing. Statement of service shall include the names of the parties served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(c) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person, as the case may be.

#### § 2411.47 Stay of decision or award.

The filing of a petition for review shall not operate as a stay of the decision or award involved in the proceedings unless the Council shall direct otherwise.

#### § 2411.48 Oral argument.

The Council, in its discretion, may permit oral argument under such circumstances and conditions as it deems appropriate. Unless otherwise ordered, a hearing of oral argument shall be open to the public.

#### § 2411.49 Amicus curiae.

The Council, upon petition of an interested person and as it deems appropriate, may grant permission for the filing of a brief and oral argument by an amicus curiae and the parties shall be notified of such action by the Council.

#### § 2411.50 Transfer of record.

Upon request by the Council, the Assistant Secretary or the appropriate agency shall transfer the record in the case to the Council.

#### § 2411.51 Matters not previously presented; judicial notice.

Consistent with the scope of review set forth in this part, the Council will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Assistant Secretary, an agency head, or an arbitrator. The Council may, however, take judicial notice of such matters as would be proper.

#### § 2411.52 Advisory opinions.

The Council shall not issue advisory opinions.

#### § 2411.53 Distribution of Council decisions.

Copies of decisions by the Council shall be furnished to the parties and other interested persons and made available at the office of the Council.

For the Council.

ROBERT E. HAMPTON,  
Chairman.

[FR Doc.72-6749 Filed 5-4-72; 8:45 am]

## FEDERAL SERVICE IMPASSES PANEL

[ 5 CFR Parts 2470, 2471 ]

### FEDERAL LABOR RELATIONS

#### Notice of Proposed Rule Making

Pursuant to sections 5 and 17 of E.O. 11491, 3 CFR, 1966-1970 Comp., 861; as amended by E.O. 11616, 36 F.R. 17319, and E.O. 11636, 36 F.R. 24901, notice is hereby given that the Federal Service Impasses Panel proposes to amend Parts 2470 and 2471, Subchapter C, of Chapter XIV of Title 5 of the Code of Federal Regulations as set forth below.

These parts set forth procedures which may be utilized by the Federal Service Impasses Panel in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a settlement by mediation or other voluntary arrangements.

It is now proposed, pursuant to sections 5 and 17 of E.O. 11491, as amended, to amend Panel hearing procedures relating to service, prehearing conferences and authority of factfinders, and to adopt new procedures, set forth below, which may be utilized by the Federal Service Impasses Panel when considering negotiability questions arising out of an impasse.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments and additional procedures to Mr. David T. Roadley, Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, DC 20415, within 20 days after publication of this notice in the FEDERAL REGISTER.

## PART 2470—GENERAL

### Subpart A—Purpose

Sec.  
2470.1 Purpose.

### Subpart B—Definitions

2470.2 Definitions.

**AUTHORITY:** The provisions of this Part 2470 are issued under 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR, 1966-1970 Comp., p. 861; as amended by E.O. 11616, 36 F.R. 17319, and E.O. 11636, 36 F.R. 24901.

### Subpart A—Purpose

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of sections 5 and 17 of Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service." They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a full settlement by mediation or other voluntary arrangements.

### Subpart B—Definitions

§ 2470.2 Definitions.

The following definitions are used in this subchapter:

"Executive Secretary" means the Executive Secretary of the Panel.

"Factfinder(s)" means members or staff of the Panel, individuals designated by the Panel, or other persons selected jointly by the parties when so authorized or directed by the Panel.

"Impasse" means that point in the negotiation of a labor agreement at which the parties are unable to reach full agreement, notwithstanding their having made earnest efforts to reach agreement by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

"Order or the order" means Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service."

"Panel" means the Federal Service Impasses Panel or a quorum thereof.

"Party" means the Federal agency, establishment or activity or the labor organization, as defined in sections 2 (a) and (e) of the order, participating in the negotiation of a labor agreement.

"Quorum" means three or more members of the Panel.

"Voluntary arrangements" means those methods adopted by the parties for the purpose of assisting them in their negotiation of a labor agreement, which include utilization of (a) the services of the Federal Mediation and Conciliation Service; or (b) other third-party mediation assistance; or (c) joint factfinding committees without recommendations; or (d) referral to a higher authority within the agency and/or the labor organization; or (e) any other method which the parties deem appropriate except third-party factfinding with recommendations, or arbitration, unless said



factfinding or arbitration is expressly authorized or directed by the Panel.

## PART 2471—PROCEDURES OF THE PANEL

Sec.	Who may initiate.
2471.1	What to file.
2471.2	Request form.
2471.3	Where to file.
2471.4	Copies and service.
2471.5	Initial procedures of the Panel.
2471.6	Negotiability questions.
2471.7	Use of voluntary factfinding with recommendations, or arbitration.
2471.8	Factfinding determination by the panel notice of prehearing conference and formal hearing.
2471.9	Prehearing conference.
2471.10	Authority of factfinder(s).
2471.11	Availability of hearing transcript.
2471.12	Report of the factfinder(s) and action by the Panel.
2471.13	Duties of each party.
2471.14	Settlement action by the Panel.
2471.15	Inconsistent labor agreement provisions.
2471.16	

**AUTHORITY:** The provisions of this Part 2471 are issued under 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR, 1966-1970 Comp., p. 861; as amended by E.O. 11616, 36 F.R. 17319, and E.O. 11636, 36 F.R. 24901.

### § 2471.1 Who may initiate.

(a) When an impasse occurs during the course of labor agreement negotiations, either party, or the parties jointly, may request the Panel to consider the matter, by filing a request as hereinafter provided.

(b) The Panel may, upon the request of the Federal Mediation and Conciliation Service, undertake the consideration of an impasse when such mediation assistance has failed and neither party has requested the Panel's consideration.

(c) The Panel may, upon the request of the Executive Secretary, undertake the consideration of a matter which has reached impasse and where neither party has requested the Panel's consideration.

### § 2471.2 What to file.

A request to the Panel for consideration of an impasse must be in writing and include the following essential information:

(a) Identification of the parties and person(s) authorized to initiate the request;

(b) Statement that an impasse has been reached;

(c) Statement of issue(s) at impasse and the position(s) of the initiating party or parties with respect to those issues; and

(d) The nature and extent of all voluntary arrangements utilized.

### § 2471.3 Request form.

FSIP Form 1 has been prepared for use by the parties in filing a request to the Panel for consideration of a negotiation impasse.<sup>1</sup> Copies are available upon request to the Office of the Executive Secretary.

### § 2471.4 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspond-

ence on the status of impasses or other related matters, should be directed to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, DC 20415.

### § 2471.5 Copies and service.

Any party submitting a request for Panel consideration and any party submitting a response to such request is responsible for serving a copy on the other party to the dispute and on any mediation facility which may have been utilized. When the Panel acts on its own motion, it will notify the parties to the dispute and any mediation facility which may have been utilized.

### § 2471.6 Initial procedures of the Panel.

(a) Upon receipt of a request for consideration of an impasse, the Panel will review the request and any responses thereto, consult with the parties and with the mediation facility utilized, if any, and then determine whether or not the Panel has jurisdiction.

(b) Upon determination by the Panel that it has jurisdiction, it will direct that:

- (1) Negotiations be resumed; or
- (2) Negotiations be resumed with mediation assistance; or
- (3) Other voluntary arrangements be utilized; or

(4) The request be processed under the procedures set forth in the following sections.

(c) The parties will be promptly advised in writing of the Panel's determination.

### § 2471.7 Negotiability questions.

(a) If, in connection with the consideration of a negotiation impasse, a contention has been made that a proposal is contrary to law, regulation, controlling agreement or the order and therefore is not negotiable, the Panel may in its discretion take any of the following actions at any stage of its procedures with respect to said proposal, while the remaining proposals, if any, may be considered by the Panel on the merits:

(1) Request the parties to resolve a question involving interpretation of a controlling agreement at a higher agency level under the procedures of the controlling agreement or, if no such procedures exist, under appropriate agency regulations;

(2) Request the parties to refer a question of negotiability which arose at a local level to the head of the agency for determination;

(3) Refer a question of negotiability to the Federal Labor Relations Council for decision when a labor organization (i) disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order, or (ii) believes that an agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or the order.

(b) In making a referral to the Council as described in paragraph (a) (3) of this section, the Panel will submit the

proposal in dispute, the agency head's determination thereon, a statement of position with supporting evidence and argument from each party on the negotiability question, and any other appropriate documents of record.

(c) The Panel will incorporate the decision of the Council on a negotiability question referred to it by the Panel in any determination, recommendation, or other action it deems appropriate.

### § 2471.8 Use of voluntary factfinding with recommendations, or arbitration.

The parties may resort to voluntary factfinding with recommendations, or arbitration, to resolve an impasse, only when authorized or directed by the Panel, and provided the parties have:

- (a) Made a joint request to the Panel in writing for such authority;
- (b) Agreed upon what issue(s) are at impasse;
- (c) Agreed on the method of selecting the third party;
- (d) Agreed to share the cost of the proceedings; and
- (e) Used without success any other voluntary arrangement for settlement.

### § 2471.9 Factfinding determination by the Panel; notice of prehearing conference and formal hearing.

(a) When the Panel determines that resolution of an impasse requires factfinding it will:

- (1) Appoint one or more factfinders to investigate the dispute; and
- (2) Issue and serve, upon each of the parties, a notice of prehearing conference and of formal hearing.

(b) The notice will state:

- (1) Names of the parties to the dispute;
- (2) Date, time, place, and purpose of the prehearing conference;
- (3) Date, time, and place of the formal hearing;
- (4) Name(s) of the factfinder(s) appointed by the Panel; and
- (5) Issues to be resolved.

### § 2471.10 Prehearing conference.

A prehearing conference shall be held by the factfinder prior to the factfinding hearing to do the following:

(a) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(b) Explore the possibilities of obtaining stipulations of fact;

(c) Clarify the positions of the parties with respect to the issues to be heard, including claims concerning negotiability, if any; and

(d) Discuss any other relevant matters which will help achieve the objectives of the hearing.

### § 2471.11 Authority of factfinder(s).

Factfinder(s), when conducting hearings between the parties to an impasse, shall have the authority to:

- (a) Take testimony, including testimony by deposition when he deems it appropriate;

<sup>1</sup> Filed as a part of the original document.



(b) Conduct the hearing, in closed or open session, at the discretion of the factfinder;

(c) Rule on motions, and requests for appearance of witnesses and the production of records;

(d) Designate the date on which post-hearing briefs, if any, shall be due, which briefs shall be submitted in an original and two copies to the Executive Secretary with a copy to the other party along with a statement of service; and

(e) Regulate all procedural matters of the hearing as to length of sessions, conduct of persons in attendance, recesses, continuances and adjournment; and to take any other appropriate action which, in his discretion, will promote the purpose and objectives of the hearing.

**§ 2471.12 Availability of hearing transcript.**

The parties will make their own arrangements with the reporter for the purchase of their copies of the official transcript of a factfinding proceeding. A copy will be available for examination at the Office of the Executive Secretary.

**§ 2471.13 Report of the factfinder(s) and action by the Panel.**

(a) The factfinder(s) shall submit a report to the Panel within a reasonable time, normally not to exceed 30 calendar days, after receipt of the transcript, or after receipt of briefs, if any. The parties will be advised when the report has been

transmitted to the Panel. The report may include findings of fact on:

(1) The history of the current negotiations, including the initial positions of the parties, and a report of items agreed to in whole or part;

(2) The unresolved issues and the efforts made by the parties to reach agreement thereon;

(3) The context within which the negotiations have taken place;

(4) The justification for each proposal as advanced by the parties;

(5) The prevailing practices, if any, pertaining to conditions of employment for other public employees in comparable work situations; and

(6) The status of any claim concerning negotiability.

(b) The report will cover any other matters relevant to the impasse.

(c) After receipt of the report of the factfinder(s), the Panel will evaluate the impasse and either:

(1) Issue to the parties its recommendations for settlement; or

(2) Take any other action which the Panel deems appropriate.

**§ 2471.14 Duties of each party.**

(a) Within a period not to exceed 30 calendar days following receipt of the Panel's recommendations for settlement, each party must either:

(1) Accept the Panel's recommendations and so notify the Executive Secretary; or

(2) Reach with the other party a settlement of all unresolved issues, and so notify the Executive Secretary; or

(3) Submit a written statement to the Panel setting forth its reasons for not accepting the Panel's recommendations and reaching a settlement of all unresolved issues.

(b) A reasonable extension of the 30-day period may be authorized by the Executive Secretary for good cause shown when requested in writing by either party prior to the expiration of the 30-day period.

**§ 2471.15 Settlement action by the Panel.**

In the event there remain any unresolved issues at the end of the aforesaid 30-day period or any extension thereof, the Panel, after due consideration of the responses of the parties, will take whatever action it deems necessary to bring the dispute to settlement.

**§ 2471.16 Inconsistent labor agreement provisions.**

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either sections 5 and 17 of the order or the procedures of the Panel shall be deemed to be superseded by the order and the procedures herein.

For the Panel.

DAVID T. ROADLEY,  
Executive Secretary.

[FR Doc.72-6748 Filed 5-4-72;8:45 am]



# Notices

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. 18]

### HARTFORD CASUALTY INSURANCE COMPANY

#### Surety Companies Acceptable on Federal Bonds; Change of Name

Citizens Insurance Company of New Jersey, a New Jersey corporation, formally changed its name to Hartford Casualty Insurance Company, effective November 12, 1971. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated November 12, 1971, has been issued by the Secretary of the Treasury to the Hartford Casualty Insurance Company, Hartford, Connecticut, under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1971 to the Company under its former name, Citizens Insurance Company of New Jersey (36 F.R. 12953, July 9, 1971). The underwriting limitation of \$857,000 previously established for the Company remains unchanged.

The change in name of Citizens Insurance Company of New Jersey does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: May 2, 1972.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.72-6897 Filed 5-4-72;8:49 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A 6882]

### ARIZONA

#### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 6882, for withdrawal of lands from location and entry under the General Mining Laws, but not the mineral leasing laws.

The purpose of this proposed withdrawal is to give these lands, which were acquired through Forest Exchanges, the same status as the Grand Canyon National Game Preserve surrounding them. They will be managed as a part of that preserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

#### GILA AND SALT RIVER MERIDIAN, ARIZONA

##### THREE LAKES GAME PRESERVE

T. 37 N., R. 2 E.,

Sec. 6, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ,  
E  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

The area described aggregates 80.00 acres.

##### LAMB'S LAKE GAME PRESERVE

T. 38 N., R. 1 E.,

Secs. 13 and 14, M.S. No. 1655.

The area described aggregates 98.03 acres.

The total areas described above aggregate approximately 178.03 acres within the Kaibab National Forest.

JOE T. FALLINI,  
State Director.

APRIL 26, 1972.

[FR Doc.72-6849 Filed 5-4-72;8:46 am]

[N-300]

### NEVADA

#### Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1972.

Notice of a Federal Aviation Administration application, N-300, for withdrawal and reservation of lands for operation and maintenance of an existing Air Route Surveillance Radar Facility was published as F.R. Doc. 66-12452 on page 14657 of the issue for November 17, 1966. The applicant agency has canceled its application insofar as it affects the following described lands:

#### MOUNT DIABLO MERIDIAN, NEV.

T. 29 N., R. 45 E.,

Sec. 12, NW  $\frac{1}{4}$ , except for a circular plot with a radius of 200 feet, the center of which is the on-site ARSR tower, located S. 87°48' W., 1,790 feet, from the Mount Lewis triangulation station, and containing approximately 2.9 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), the lands, at 10 a.m. on June 1, 1972, will be relieved of the segregative effect of the above-mentioned application.

RALPH S. DUNN,  
Acting Chief,  
Division of Technical Services.

[FR Doc.72-6891 Filed 5-4-72;8:49 am]

### Geological Survey

#### FEDERAL MINING, OIL AND GAS AND GEOTHERMAL LESSEES

##### Tabulation and Consideration of Environmental Impact Comments

Comments were invited by announcement in the FEDERAL REGISTER on December 28, 1971 (36 F.R. 25054) concerning the procedures published in the FEDERAL REGISTER on November 19, 1971 (36 F.R. 22078) on delays in approval of applications for permits to drill exploratory wells or to obtain approval of mining plans or major mining plan changes, applicable to Federal oil and gas, geothermal resources, and mining leases on public domain and acquired lands of the United States.

The following is a tabulation of the comments received:

Comments by—	Con	Pro	Total
Individuals.....	421	1	422
Companies.....	132	—	132
Industry associations.....	22	—	22
State and local governments.....	7	1	8
Congressional.....	7	—	7
Other organizations.....	3	1	4
Total.....	592	3	595



Announced in the FEDERAL REGISTER on March 11, 1972 (37 F.R. 5263) were procedures to be used by the Geological Survey to implement the policies and directives of the National Environmental Policy Act of 1969. Under these procedures, proposed actions, though minor, that may threaten harm or damage to the human environment will be carefully assessed. If it is determined that such action will have a significant impact on the human environment, an environmental impact statement will be prepared. If it is concluded that the proposed action will not have a significant impact on the human environment, the determination will be documented in the case record or field examination report. Actions which will be subject to environmental impact analyses include (1) applications to drill exploratory oil and gas and geothermal wells on Federal lands, and (2) original mining plans and major changes in mining plans on existing Federal leases.

The procedures announced in the FEDERAL REGISTER on November 19, 1971 (36 F.R. 22078) are hereby rescinded and are superseded by the procedures set forth in the Geological Survey Manual Part 516, Chapter 2, entitled "Environmental Impact Statements" published in the FEDERAL REGISTER on March 11, 1971 (37 F.R. 5263).

W. T. PECORA,  
Under Secretary.

APRIL 28, 1972.

[FR Doc.72-6848 Filed 5-4-72;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration GENERAL FOODS CORP.

#### Enriched Macaroni Product Deviating From Identity Standard; Further Extension of Expiration Date of Temporary Permit for Market Testing

Notice was given in the FEDERAL REGISTER of June 20, 1969 (34 F.R. 9684), that a temporary permit had been issued to General Foods Corp., 250 North Street, White Plains, N.Y. 10625, to cover interstate marketing tests of an enriched macaroni product that deviated from the standards of identity for macaroni and noodle products (21 CFR Part 16). The permit was extended from April 28, 1970, to April 28, 1971, by a notice published in the FEDERAL REGISTER of April 7, 1970 (35 F.R. 5639). A modification of the nutrient levels was published in the FEDERAL REGISTER of June 9, 1970 (35 F.R. 8897). The original product subject to this permit through April 28, 1971, contained yellow corn flour in a quantity not less than 50 percent, soy flour in a quantity not less than 27 percent, and hard wheat flour in a quantity not less than 10 percent by weight of the farinaceous ingredients.

By a notice published in the FEDERAL REGISTER of September 9, 1971 (36 F.R. 18113), the permit was modified to provide for different proportions of the three farinaceous ingredients and the expiration date was extended to April 28, 1972. The modified product has a composition with the following approximate percentages by weight of the farinaceous ingredients: 38 percent yellow corn flour, 30 percent soy flour, and 30 percent hard wheat flour. Nutrients are added as specified in § 16.9(a) (21 CFR 16.9(a)) except that calcium is added in such quantity that each pound of the finished food contains 2,111 milligrams of calcium (Ca) and 35 milligrams of iron (Fe). The product is labeled "enriched yellow corn-soy-wheat macaroni." The labels of the product declare by common name the ingredients used.

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that the expiration date of the subject permit has been extended at the request of General Foods Corp. In the request for an extension of time, General Foods Corp. stated that, in their judgment, it would generate additional information to continue the overall acceptability studies related to this product. They also stated that a number of school systems are experimenting with the subject product and will plan to include it in some of their menus in the coming year. The other terms and conditions of this temporary permit are not changed; however, the permit is extended to April 28, 1973, or until the proposed standard of identity for enriched macaroni with improved protein quality becomes effective, whichever occurs first.

Dated: April 21, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-6846 Filed 5-4-72;8:45 am]

### IMPERIAL CHEMICAL INDUSTRIES, LTD.

#### Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Imperial Chemical Industries, Ltd., Post Office Box 42, Hexagon House, Blackley, Manchester, England, has withdrawn its petition (FAP OH2547), notice of which was published in the FEDERAL REGISTER of June 16, 1970 (35 F.R. 9869), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of 1,2-benzisothiazoline-3-one as a slimicide in

the manufacture of paper and paper-board.

Dated: April 22, 1972.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.72-6847 Filed 5-4-72;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 72-84R]

### SECURITY ZONE

#### Portion of James River, Off Newport News, Va., Closed to Navigation During the Launching of the USS "Nimitz"

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), section 6(b) (1), 80 Stat. 937, 49 U.S.C. 1655(b) (1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of H. E. Steel, Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area, who has exercised authority as Captain of the Port, such order reading as follows:

PORTION OF THE JAMES RIVER, OFF NEWPORT NEWS, VA., CLOSED TO NAVIGATION DURING THE LAUNCHING OF THE U.S.S. "NIMITZ"

### SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1000R May 13, 1972, until 1300R May 13, 1972, the following area is a Security Zone and I order it be closed to any person or vessel due to the launching of the U.S.S. Nimitz.

The waters of the James River from Newport News Channel LB 13 LL 3011. In position 36°57'10" N., 76°24'50" W. to the James River Bridge and extending from Newport News shore to the 31-foot curve on the western side of the channel.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, telephone 703-393-9611, Extension 220.

The Captain of the Port, Hampton Roads Area, shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any other state or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220, as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of



any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than \$10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than \$10,000.

Dated: May 1, 1972.

J. M. AUSTIN,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Marine  
Environment and Systems.

[FR Doc.72-6896 Filed 5-4-72;8:49 am]

## ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-275; 50-323]

### PACIFIC GAS AND ELECTRIC CO.

#### Notice and Order for Evidentiary Hearing

In the matter of Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2).

In accordance with the Atomic Energy Commission's Notice of Hearing on Suspension of Construction Activity, published in the FEDERAL REGISTER on April 25, 1972 (37 F.R. 8126), and with the Commission's rules of practice, the Atomic Safety and Licensing Board directs that the hearing for the taking of evidence in the above-captioned proceeding shall commence on May 17, 1972, at 10 a.m., local time, in the Board Meeting Room, Cuesta College, Building 1512, Post Office Box J, San Luis Obispo, CA 93401. Said hearing will run without a continuance until completed.

Under the Commission's Memorandum and Order, dated April 21, 1972, this Board, impaneled to hear the instant matter de novo, will consider the question of whether the activities under construction permits Nos. CPPR-39 and CPPR-69 for the Diablo Canyon facilities should be suspended pending completion of the final NEPA review.

More specifically, the matters to be considered in the hearing shall be the factors specified in 10 CFR Part 50, Appendix D, section E.2, together with the considerations specified in the remand order of the U.S. Court of Appeals for the District of Columbia in Coalition for Safe Nuclear Power, et al. v. United States Atomic Energy Commission, Case No. 71-1396.

The parties to this proceeding shall be the licensee, the Regulatory Staff, and the Scenic Shoreline Preservation Conference, Inc.

Issued: May 1, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

MICHAEL L. GLASER,  
Chairman.

[FR Doc.72-6871 Filed 5-4-72;8:47 am]

[Dockets Nos. 50-352; 50-353]

### PHILADELPHIA ELECTRIC CO.

#### Order Designating Evidentiary Hearing

In the matter of Philadelphia Electric Co., (Limerick Generating Station, Units 1 and 2).

At a session of evidentiary hearing convened on April 24, 25, and 26, 1972, the Atomic Safety and Licensing Board, after a consultation as to the readiness of the parties to proceed and a determination respecting the convenience of the parties as to a date, announced that a further session of evidentiary hearings would convene at 9 a.m. on Wednesday, May 24, 1972, and that a formal order would be issued which could be given public distribution.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission that a session of evidentiary hearings shall convene at 9 a.m. on Wednesday, May 24, 1972 in the Pott's Room, Holiday Inn, West King Street at Route 100, Pottstown, Pa.

Issued: May 1, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,  
SAMUEL W. JENSCH,  
Chairman.

[FR Doc. 72-6870 Filed 5-4-72;8:47 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23267]

### AIR LINE INDUSTRIAL RELATIONS CONFERENCE INVESTIGATION

#### 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 6, 1972, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 1, 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., May 2, 1972.

[SEAL] MILTON H. SHAPIRO,  
Hearing Examiner.

[FR Doc.72-6892 Filed 5-4-72;8:49 am]

[Docket No. 24297]

### ALCO/ALASKA AIRLINES, INC., ACQUISITION CASE

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on May 31, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 1, 1972.

[SEAL] ARTHUR S. PRESENT,  
Hearing Examiner.

[FR Doc.72-6893 Filed 5-4-72;8:49 am]

[Docket No. 24243]

### COMPANIA DE AVIACION "FAUCETT", S.A.

#### 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 before the undersigned on May 25, 1972, commencing at 10 a.m., local time, in Room 1031, Universal Building, North, 1875 Connecticut Avenue NW., Washington, D.C.

This proceeding involves the application of Compania de Aviacion "Faucett", S.A., for a renewal for an indefinite period of a foreign air carrier permit which would authorize it to continue to engage in foreign air transportation of persons, property, and mail between a point or points in Peru, the intermediate point Panama City, Panama, and the terminal point Miami, Fla.

Dated at Washington, D.C., May 1, 1972.

[SEAL] E. ROBERT SEEVER,  
Hearing Examiner.

[FR Doc.72-6894 Filed 5-4-72;8:49 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19492; FCC 72-357]

### BI-COUNTY BROADCASTING CORP.

#### Order Designating Applications for Consolidated Hearing on Stated Issues and Notice of Apparent Liability

In regarding applications of: Bi-County Broadcasting Corp., Clare, Mich.,



for renewal of licenses for Stations WCRM(AM) and WCRM-FM, Docket No. 19492; File No. BR-3954, BRH-2108.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operations of stations WCRM(AM) and WCRM-FM, Clare, Mich.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, it is ordered, That the applications are designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent order, upon the following issues:

(a) To determine whether the licenses for stations WCRM(AM) and WCRM-FM were transferred, assigned or disposed of, by transfer of control of the applicant corporation, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended;

(b) To determine whether the licensee, at all times, has exercised control or supervision over the operation of Stations WCRM and WCRM-FM in a manner consistent with the responsibilities of a licensee;

(c) To determine whether the applicant filed timely and accurate Ownership Reports (FCC Form 323) with the Commission, as required by § 1.615 of the Commission's rules;

(d) To determine whether the applicant complied with §§ 73.111, 73.113, 73.281 and 73.283 of the Commission's rules, including a determination as to whether station logs were deliberately falsified by James A. Sanzone;

(e) To determine whether the applicant made misrepresentations to the Commission or was lacking in candor in its pending application (BTC-6618) as to when payments for the purchase of stock started;

(f) To determine whether the applicant violated the Commission's rules, as alleged in the Official Notices of Violation issued on November 13, 1970 and November 23, 1971, and if so, the nature and extent of those violations and, in light of the evidence adduced pursuant to that determination, whether the applicant has exercised that degree of responsibility required of the licensee of broadcast stations;

(g) To determine whether the applicant has failed to respond in a timely manner to Commission correspondence in connection with the Official Notice of Violation issued November 13, 1970;

(h) To determine whether, in light of the evidence adduced pursuant to the preceding issues, whether the applicant possesses the requisite qualifications to

be and to remain a licensee of the Commission;

(i) To determine, in light of the evidence adduced under the preceding issues, whether the grant of the captioned applications would serve the public interest, convenience and necessity.

4. It is further ordered, That James Sanzone is made a party to this proceeding and that the evidence adduced shall be res judicata as to him in connection with any further proceedings the Commission may subsequently institute.

5. It is further ordered, That if it is determined that the hearing record does not warrant an order denying the captioned applications for renewal of licenses for stations WCRM(AM) and WCRM-FM, it shall also be determined whether the applicant has repeatedly or willfully violated section 310(b) of the Communications Act, or §§ 1.615, 73.39 (d) (1) (vii), 73.52(a), 73.93, 73.111(a), 73.112(c) (2), 73.113(a) (2) and (6), 73.113(d) (1), 73.114(a) (5), 73.115, 73.116, 73.281(a), 73.282(c) (2), 73.283(a) (1), (2) and (3), 73.285 and 73.286 of the Commission's rules, or the terms of the authorization for WCRM(AM) or WCRM-FM,<sup>1</sup> and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount should be issued for violations which occurred within 1 year of the issuance of the Bill of Particulars in this matter.

6. It is further ordered, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of those sections of the Act of the Commission's rules set out in the preceding paragraph and of the terms of the stations' authorizations. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course to be made on the facts of each case.

7. It is further ordered, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant and James Sanzone within thirty (30) days of the release of this order, a Bill of Particulars with respect to issues (a) through (g), inclusive.

8. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (g), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualification to be and to remain a

licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

9. It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and James Sanzone, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. It is further ordered, That the applicant herein, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

11. It is further ordered, That the Secretary of the Commission send a copy of this order by certified mail—return receipt requested to Bi-County Broadcasting Corp. and to James Sanzone.

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-6887 Filed 5-4-72;8:48 am]

[TIAS-2594, Supp. 2]

## CANADA-UNITED STATES TV AGREEMENT OF 1952

### Amendment of Table A

APRIL 25, 1972.

Supplement No. 2 to the table of Canadian Television Channel Allocations within 250 miles of the Canada-United States border, dated August 25, 1971, as revised to August 15, 1971.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, table A of the Canadian-United States Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
Fredericton-St. John, New Brunswick, 45°53'31" N., 66°00'33" W.		5-L <sup>1</sup>
Negunac, New Brunswick, 47°15'40" N., 65°06'24" W.		5-L <sup>2</sup>
Woodstock, New Brunswick.	55+	19+
Lac Etchemin, Quebec.		65+

<sup>1</sup> Limitation to protect CJCH-TV Halifax, Nova Scotia, CHAU-TV Carleton, (New Carlisle) Quebec, and WABI-TV Bangor, Maine.

<sup>2</sup> Limitation to protect a co-channel allocation at Woodstock, New Brunswick.

<sup>1</sup> See Bill of Particulars for specific dates and details of each alleged violation.

<sup>2</sup> Commissioners Johnson and H. Rex Lee absent.



Further amendments to table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from Keuffel & Esser Co., 1521 North Danville Street, Arlington, VA 22201 (telephone 524-9000, area code 703).

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

[FR Doc.72-6886 Filed 5-4-72; 8:48 am]

[Report 594]

## COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MAY 1, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

## APPLICATIONS ACCEPTED FOR FILING

### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 7537-C2-AL-72—Radio Dispatch Service, consent to assignment of license from Thurman C. Dabbs, M.D., doing business as Radio Dispatch Service, assignor, to Francis R. Real doing business as Associated Telephone Answering Services, assignee.
- 7538-C2-P-(2)-72—Delaware Mobile Telephone Co. (New), for a new two-way station to be located at 0.2 mile southwest of Main Street, Woodside, Del., to operate on 454.300 and 454.325 MHz.
- 7646-C2-P-72—Tri-City Radio Dispatch Service, Inc. (KQD310), replace transmitter and change the antenna system operating on 152.03 MHz at location No. 1: 1795 Titabawasee Road, Saginaw, MI.
- 7647-C2-P-72—Tri-City Radio Dispatch Service, Inc. (KSV935), replace transmitter and change the antenna system operating on 158.70 MHz (one-way).
- 7648-C2-P-72—South Central Bell Telephone Co. (KLB506), change the antenna system operating on 152.54 and 152.69 MHz located at approximately 4 miles west of Monroe, La.
- 7649-C2-P-(2)-72—Spencer Communications Service (KIY446), for additional facilities to operate on 454.075 and 454.150 MHz at location No. 2: 516 South Dixie Highway, West Palm Beach, FL.
- 7650-C2-P-(2)-72—A Plus Communications Service (New), for a new two-way station to be located at 281 State Street (The Mohican Hotel), New London, CT, to operate on 454.275 and 454.300 MHz.
- 7719-C2-AL-72—Autophone of Laredo, consent to assignment of license from Robert G. Clark and Joe Slapper, doing business as Autophone of Laredo, assignor, to: T. J. Yancey, Jr., and James N. Young, Jr., doing business as Autophone of Laredo, assignment. Station: KLF536, Laredo, Tex.
- 7720-C2-P-72—Radio Relay Corp. (KSC645), for additional facilities to operate on 35.58 MHz at a new site described as location No. 8: 0.3 mile north of Lake Cook Road, Deerfield, Ill.
- 7721-C2-P-72—South Central Bell Telephone Co. (KKI448), replace transmitter operating on 152.75 MHz located at 1.7 miles north-northeast of Sweet Lake, La.
- 7724-C2-P-72—Southern Bell Telephone & Telegraph Co. (KIG293), change the antenna system operating on 152.63 MHz located at 405 13th Street, Columbus, GA.
- 7734-C2-AL-(3)-72—Instant Communications, Inc., consent to assignment of license from Instant Communications, Inc., assignor, to Ram Broadcasting of Michigan, Inc., assignee. Stations: KQA338 Detroit, Mich. (two-way), KQD303 Detroit, Mich. (one-way), and KQK771 Ann Arbor, Mich. (two-way).

### Major Amendment

- 1912-C2-P-72—Mount Vernoh Telephone Co. (New), amend to change antenna location to 2.8 miles southeast of Verona, Wis. See Public Notice No. 565, dated October 12, 1971.

### Correction

- 6461-C2-P-72—Radio Paging Service (KKE970), correct to describe the location as location No. 2: Intersection of 85th Street and Avenue L, Lubbock, TX. See Public Notice No. 589, dated March 27, 1972.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

### Frequency 152.24 MHz

#### New Jersey

- Radio Dispatch Co. (New), 2442-C2-P-(2)-72.  
Mueller Electronics, Inc. (New), 4187-C2-P-(2)-72.  
Radio Broadcasting Co. (New), 4188-C2-P-72.

### Frequency 158.70 MHz

#### New Jersey

- Radio Dispatch Co. (New), 2442-C2-P-(2)-72.  
Radio Dispatch Co. (New), 4186-C2-P-72.  
Mueller Electronics, Inc. (New), 4187-C2-P-(2)-72.

### RURAL RADIO SERVICE

- 7540-C1-P-72—General Telephone Co. of California (New), for a new central office fixed station to be located at Lot No. 23 of Pine Cove Tract, Tract No. 5 on Marion Ridge Drive, Pine Cove, Calif., to operate on 152.66 MHz.
- 7541-C1-P-72—General Telephone Co. of California (New), for a new rural subscriber station to be located at Azalea Trails Girl Scout Camp, 3.5 miles north of Pine Cove, Calif., to operate on 157.92 MHz.
- 7719-C1-AL-72—Autophone of Laredo, consent to assignment of license from Robert G. Clark and Joe Slapper, doing business as Autophone of Laredo, assignor, to: T. J. Yancey, Jr. and James N. Young, Jr., doing business as Autophone of Laredo, assignment. Station: WAY69, Laredo, Tex.



INFORMATIVE: Applicant Eastern Microwave, Inc. is proposing to deliver network feed from ABC, CBS, and NBC to the networks' respective affiliates in New York State and upper Pennsylvania by filing 27 new applications as listed below.

7490-C1-P-72—Eastern Microwave, Inc. (New), New York, N.Y. A new station located at 10 West 66th Street, New York, N.Y., at latitude 40°46'20" N., longitude 73°58'48" W. Frequencies 10,975V, 10,735V, 11,135V MHz, and 10,815V MHz on azimuth 10°06' toward Englewood Cliffs, N.J.

7491-C1-P-72—Eastern Microwave, Inc. (New), Englewood Cliffs, N.J. A new station located off Route 9, Englewood Cliffs, N.J., at latitude 40°52'14" N., longitude 73°57'25" W. Frequencies 5974.8V, 6034.2V, 6093.5V, 6123.1H, and 6152.8V MHz on azimuth 281°28' toward Mass Mountain, N.J., and 11,305V MHz on azimuth 190°07' toward New York, N.Y.

7492-C1-P-72—Eastern Microwave, Inc. (New), Mass Mountain, N.J. A new station located approximately 4.5 miles north of Dover, N.J., at latitude 40°57'43" N., longitude 74°34'15" W. Frequencies 6197.2V, 6226.9H, 6256.5V, 6286.2H, and 6345.5H MHz on azimuth 276°22' toward Kittatinny Mountain, N.J., and 6345.5V MHz on azimuth 101°04' toward Englewood Cliffs, N.J.

7493-C1-P-72—Eastern Microwave, Inc. (New), Kittatinny Mountain, N.J. A new station located approximately 3.2 miles north-northeast of Hainesboro, N.J., at latitude 41°00'08" N., longitude 75°02'34" W. Frequencies 5945.2V, 5974.8H, 6063.8V, 6093.5H, and 6123.1V MHz on azimuth 274°28' toward Forest Hill, Pa., and 6152.8H MHz on azimuth 96°03' toward Mass Mountain, N.J.

7494-C1-P-72—Eastern Microwave, Inc. (New), Forest Hill, Pa. A new station located approximately 4.8 miles east-northeast of Albrightsville, Pa., at latitude 41°01'44" N., longitude 75°30'32" W. Frequencies 6226.9V, 6256.5H, 6286.2V, 6315.9H, and 6375.2H MHz on azimuth 299°19' toward Penobscot Mountain, Pa., and 6286.2H MHz on azimuth 94°10' toward Kittatinny Mountain, N.J.

7495-C1-P-72—Eastern Microwave, Inc. (New), Penobscot Mountain, Pa. A new station located approximately 0.8 mile north of Mountain Top, Pa., at latitude 41°10'57" N., longitude 75°52'20" W. Frequencies 5945.2V, 6004.5V, 6063.8V, 6123.1V, and 5974.8H MHz on azimuth 356°46' toward Osterhout Mountain, Pa., 6123.1H MHz on azimuth 119°05' toward Forest Hill, Pa., 11,665V MHz on azimuth 34°37' toward Avoca-WNEP, Pa., 11,425H MHz on azimuth 34°59' toward Scranton-WDAU, Pa., and 11,345V MHz on azimuth 351°09' toward Wilkes-Barre-WBRE, Pa.

7496-C1-P-72—Eastern Microwave, Inc. (New), Osterhout Mountain, Pa. A new station located approximately 2 miles east of Tunkhannock, Pa., at latitude 41°32'12" N., longitude 75°53'56" W. Frequencies 6226.9V, 6256.5H, 6286.2V, 6345.5V, and 6375.2H MHz on azimuth 330°36' toward Warren Center, Pa., and 6197.2V MHz on azimuth 176°45' toward Penobscot Mountain, Pa.

7497-C1-P-72—Eastern Microwave, Inc. (New), Warren Center, Pa. A new station located approximately 1.3 miles south-southwest of Warren Center, Pa., at latitude 41°55'11" N., longitude 76°11'17" W. Frequencies 5945.2H, 6004.5V, 6034.2H, 6123.1V, and 6152.8H MHz on azimuth 11°26' toward Ford Mountain, N.Y., and 6004.5H MHz on azimuth 150°25' toward Osterhout Mountain, Pa.

7498-C1-P-72—Eastern Microwave, Inc. (New), Ford Mountain, N.Y. A new station located approximately 3.8 miles north-northeast of Apalachin, N.Y., at latitude 42°07'27" N., longitude 76°07'57" W. Frequencies 6226.9H, 6256.5V, 6345.5H, 6375.2V, and 6404.8H MHz on azimuth 359°03' toward Virgil Mountain, N.Y., 6256.5H MHz on azimuth 191°28' toward Warren Center, Pa., 11,015H on azimuth 97°49' toward Binghamton-WINR, N.Y., 11,175H MHz on azimuth 98°12' toward Binghamton-WNBF, N.Y., and 11,095V MHz on azimuth 114°08' toward Binghamton-WBJA, N.Y.

7499-C1-P-72—Eastern Microwave, Inc. (New), Virgil Mountain, N.Y. A new station located approximately 1.5 miles east-southeast of Virgil, N.Y., at latitude 42°29'35" N., longitude 76°08'27" W. Frequencies 5945.2H MHz, 6004.5H, 6034.2V, 6063.8H, and 6152.8V MHz on azimuth 345°56' toward Spafford Hill, N.Y., and 6004.5V MHz on azimuth 179°02' toward Ford Mountain, N.Y.

7500-C1-P-72—Eastern Microwave, Inc. (New), Spafford Hill, N.Y. A new station located approximately 1.5 miles southeast of Spafford, N.Y., at latitude 42°47'16" N., longitude 76°14'28" W. Frequencies 6226.9V, 6256.5H, 6286.2V, 6345.5V, and 6404.8V MHz on azimuth 29°49' toward Sentinel Heights, N.Y., and 6256.5V MHz on azimuth 165°52' toward Virgil Mountain, N.Y.

7501-C1-P-72—Eastern Microwave, Inc. (New), Sentinel Heights, N.Y. A new station located near Syracuse, N.Y., off Sentinel Heights Road at latitude 42°56'40" N., longitude 76°07'08" W. Frequencies 5945.2H, 6004.5H, 6034.2V, 6093.5H, and 6152.8V MHz on azimuth 247°27' toward Scipio Hill, N.Y., 5945.2V MHz, 6004.5V, 6063.8H, and 6123.1V MHz on azimuth 93°20' toward Hughes Corners Hill, N.Y., 6152.8H MHz on azimuth 209°54' toward Spafford Hill, N.Y., 10,935V MHz on azimuth 22°25' toward Syracuse-WNYS, N.Y., 11,095V MHz on azimuth 354°44' toward Syracuse-WSYR, N.Y., 11,015V MHz on azimuth 353°11' toward Syracuse-WHEN, N.Y.

7502-C1-P-72—Eastern Microwave, Inc. (New), Hughes Corners Hill, N.Y. A new station located approximately 3.5 miles southwest of Petersboro, N.Y., at latitude 42°55'38" N., longitude 75°43'33" W. Frequencies 6226.9V, 6286.2V, 6345.5V, 6375.2H, and 6404.8V MHz on azimuth 61°44' toward Smith Hill, N.Y., and 6226.9H on azimuth 273°36' toward Sentinel Heights, N.Y.

7503-C1-P-72—Eastern Microwave, Inc. (New), Smith Hill, N.Y. A new station located near Utica, N.Y., off Smith Hill Road at latitude 43°08'38" N., longitude 75°10'40" W. Frequencies 5945.2H, 6004.5H, 6063.8H, 6123.1H, and 6152.8V MHz on azimuth 134°45' toward Deck Hill, N.Y., 6034.2H MHz on azimuth 242°07' toward Hughes Corners Hill, N.Y.

7504-C1-P-72—Eastern Microwave, Inc. (New), Deck Hill, N.Y. A new station located approximately 3 miles northeast of Jordanville, N.Y., at latitude 42°56'22" N., longitude 74°53'51" W. Frequencies 6197.2H, 6226.9V, 6286.2V, 6315.9H, and 6345.5V MHz on azimuth 125°29' toward Barrack Zourie Hill, N.Y., and 6226.9V MHz on azimuth 314°56' toward Smith Hill, N.Y.

7505-C1-P-72—Eastern Microwave, Inc. (New), Barrack Zourie Hill, N.Y. A new station located approximately 2.5 miles north of Cobleskill, N.Y., at latitude 42°43'30" N., longitude 74°29'27" W. Frequencies 5945.2V, 6034.2H, 6093.5H, 6123.1V, and 6152.8H MHz on azimuth 103°26' toward Helderberg Mountain, N.Y., and 6034.2V MHz on azimuth 305°45' toward Deck Hill, N.Y.

7506-C1-P-72—Eastern Microwave, Inc. (New), Helderberg Mountain, N.Y. A new station located 1.75 miles northwest of New Salem, N.Y., at latitude 42°38'12" N., longitude 73°59'45" W. Frequencies 6375.2V MHz on azimuth 283°46' toward Barrack Zourie Hill, N.Y., 6345.5V MHz on azimuth 61°03' toward Bald Mountain, N.Y., 11,395V MHz on azimuth 23°24' toward Schenectady-WRGB, N.Y., and 11,225V MHz on azimuth 78°41' toward Albany-WTEN, N.Y.

7507-C1-P-72—Eastern Microwave, Inc. (New), Bald Mountain, N.Y. A new station located in Brunswick Township, N.Y., at latitude 42°47'08" N., longitude 73°37'44" W. Frequency 11,055V MHz on azimuth 216°18' toward Menands-WAST, N.Y.

7508-C1-P-72—Eastern Microwave, Inc. (New), Scipio Hill, N.Y. A new station located approximately 1.8 miles north of Scipio Center, N.Y., at latitude 42°48'35" N., longitude 76°33'25" W. Frequencies 3710.0H, 3730.0V, 3810.0H, and 4190.0V MHz on azimuth 250°02' toward Italy Hill, N.Y., and 6345.5H MHz on azimuth 67°10' toward Sentinel Heights, N.Y.

7509-C1-P-72—Eastern Microwave, Inc. (New), near Italy Hill, N.Y. A new station located approximately 1.7 miles north-northwest of Italy Hill, N.Y., at latitude 42°37'13" N., longitude 77°15'17" W. Frequencies 3830.0V, 3910.0V, 3990.0V, 4070.0V, and 4090.0H MHz on azimuth 273°45' toward Springwater, N.Y., and 3750.0H MHz on azimuth 69°33' toward Scipio Hill, N.Y.

7510-C1-P-72—Eastern Microwave, Inc. (New), near Springwater, N.Y. A new station located approximately 3 miles west of Springwater, N.Y., at latitude 42°38'21" N., longitude 77°39'34" W. Frequencies 6197.2V, 6226.9H, 6286.2H, 6315.9V, and 6375.2V MHz on azimuth 268°13' toward Wethersfield, N.Y., 6226.9V MHz, 6256.5H, 6286.2V, 6315.9H, and 6345.5V MHz on azimuth 6°22' toward Pinnacle Hill, N.Y., and 3870.0V MHz on azimuth 93°29' toward Italy Hill, N.Y.

7511-C1-P-72—Eastern Microwave, Inc. (New), Pinnacle Hill, N.Y. A new station located in Brighton Township, N.Y., at latitude 43°08'07" N., longitude 77°35'02" W. Frequencies 11,665V on azimuth 44°11' toward Rochester-WROC, N.Y., 11,345V MHz on azimuth 331°01' toward Rochester-WHEC, N.Y., 11,505V MHz on azimuth 43°16' toward Rochester-WOKR, N.Y., 6123.1H on azimuth 186°25' toward Springwater, N.Y.

## NOTICES



## POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

- 7512-C1-P-72—Eastern Microwave, Inc. (New), near Wethersfield, N.Y. A new station located approximately 2 miles west-southwest of Wethersfield, N.Y., at latitude 42°37'23" N., longitude 78°17'16" W. Frequencies 6004.5H, 6034.2V, 6063.8H, 6123.1H, and 6152.8V MHz on azimuth 278°19' toward Colden Hill, N.Y., and 5974.8H MHz on azimuth 87°48' toward Springwater, N.Y.
- 7513-C1-P-72—Eastern Microwave, Inc. (New), Colden Hill, N.Y. A new station located approximately 3 miles east-northeast of Colden, N.Y., at latitude 42°39'33" N., longitude 78°37'38" W. Frequencies 6197.2H, 6256.5H, 6315.9H, and 6375.2H MHz on azimuth 224°08' toward Pickup Hill, N.Y., 6226.9V MHz on azimuth 322°42' toward Buffalo-WGR, N.Y., 6256.5V MHz on azimuth 325°12' toward Buffalo-WKBW, N.Y., 6375.2V MHz on azimuth 328°08' toward Buffalo-WBEN, N.Y., and 6226.9H MHz on azimuth 98°05' toward Wethersfield, N.Y.
- 7514-C1-P-72—Eastern Microwave, Inc. (New), Pickup Hill, N.Y. A new station located approximately 1.7 miles southwest of Cherry Creek, N.Y., at latitude 42°16'32" N., longitude 79°07'37" W. Frequencies 5945.2V, 6004.5V, 6034.2H MHz, and 6063.8V MHz on azimuth 244°33' toward Pekin Point, N.Y.
- 7515-C1-P-72—Eastern Microwave, Inc. (New), Pekin Point, N.Y. A new station located approximately 6.8 miles west-northwest of Clymer, N.Y., at latitude 42°03'03" N., longitude 79°45'21" W. Frequencies 6197.2V, 6256.5V, 6345.5H, and 6375.2V MHz on azimuth 267°54' toward Erie, Pa.
- 7515-C1-P-72—Eastern Microwave, Inc. (New), Pekin Point, N.Y. A new station located approximately 6.8 miles west-northwest of Clymer, N.Y., at latitude 42°03'03" N., longitude 79°45'21" W. Frequencies 6197.2V, 6256.5V, 6345.5H, and 6375.2V MHz on azimuth 267°54' toward Erie, Pa.
- 7516-C1-P-72—Eastern Microwave, Inc. (New), near Erie, Pa. A new station located approximately 5.5 miles south of Erie, Pa., at latitude 42°02'31" N., longitude 80°03'57" W. Frequencies 11385V MHz on azimuth 351°04' toward Erie-WSEE, Pa., and 11545V MHz on azimuth 357°20' toward Erie-WICU, Pa.
- 2318-C1-R-72—The Pacific Telephone & Telegraph Co. (KMQ44), temporary fixed. Renewal of license expiring May 29, 1972. Term: May 29, 1972 to May 29, 1973, developmental.
- 7517-C1-P-72—Western Tele-Communications, Inc. (New), Miramar Naval Air Station, Calif. Latitude 32°52'30" N., longitude 117°08'30" W. Frequency 2128H MHz on azimuth 47°6' toward Woodson Mountain, Calif.
- 7518-C1-P-72—Western Tele-Communications, Inc. (New), Woodson Mountain, 7 miles west-southwest of Ramona, Calif. Latitude 33°00'31" N., longitude 116°58'15" W. Frequencies 2178H MHz on azimuth 227°12' toward Miramar Naval Air Station, Calif., and 5960V MHz on azimuth 41°35' toward Toro Peak, Calif.
- 7519-C1-P-72—Western Tele-Communications, Inc. (New), Toro Peak, 14.1 miles south-southwest of Palm Desert, Calif. Latitude 33°31'22" N., longitude 116°25'30" W. Frequency 6212V MHz on azimuth 221°53' toward Woodson Mountain, Calif.
- 7520-C1-P-72—Indiana Telephone Corp. (KSO46), Suicide Cave, 5.7 miles north of Salem, Ind. Latitude 38°41'23" N., longitude 86°06'40" W. C.P. to add 6380.3V MHz toward Orleans, Ind.
- 7521-C1-P-72—Indiana Telephone Corp. (KVH91), Monroe Street, Orleans, Ind. Latitude 38°39'48" N., longitude 86°27'08" W. C.P. to add 6049.0V MHz toward Suicide Cave, Ind.
- 7522-C1-P-72—Indiana Telephone Corp. (KSO69), 14 Jackson Street, North Vernon, Ind. Latitude 39°00'17" N., longitude 85°37'26" W. C.P. to add 6286.2V MHz toward Greensburg, Ind.
- 7523-C1-P-72—Public Telephone Corp. (KSN79), 225 North Broadway, Greensburg, IN. Latitude 39°20'19" N., longitude 85°29'07" W. C.P. to add 6034.2V MHz toward North Vernon, Ind.
- 7535-C1-MP-72—Southwestern Bell Telephone Co. (KLS75), Boat Mountain, 4 miles west of Western Grove, Ark. Modification of C.P. to change tower height, correct azimuth to 340°10' and path length to Harrison.
- 7536-C1-MP-72—Southwestern Bell Telephone Co. (KLS76), South end of Bethel Street, Harrison, Ark. Latitude 36°12'50" N., longitude 93°04'42" W. Modification of C.P. to relocate station, replace tower, change coordinates, and correct azimuth to 160°09' and path length.

## POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

- 7524-C1-P-72—American Telephone & Telegraph Co. (KLN73), 2.8 miles east of Cherry Valley, Ark. Latitude 35°23'56" N., longitude 90°42'40" W. C.P. to add 4198V MHz toward Bay, Ark., and 4198H MHz toward Forrest City, Ark.
- 7525-C1-P-72—American Telephone & Telegraph Co. (KLD99), 1 mile southeast of Bay, Ark. Latitude 35°44'30" N., longitude 90°33'12" W. C.P. to add 4190H MHz toward Marmaduke, Ark., and 4190V MHz toward Cherry Valley, Ark.
- 7526-C1-P-72—American Telephone & Telegraph Co. (KLD98), 4.8 miles north-northwest of Marmaduke, Ark. Latitude 36°15'16" N., longitude 90°24'37" W. C.P. to add 4198H MHz toward Campbell, Mo., and Bay, Ark.
- 7527-C1-P-72—American Telephone & Telegraph Co. (KAS39), 3 miles northeast of Campbell, Mo. Latitude 36°32'02" N., longitude 90°02'55" W. C.P. to add 4190H MHz toward Bloomfield, Mo., and Marmaduke, Ark.
- 7528-C1-P-72—American Telephone & Telegraph Co. (KAS40), 3 miles northeast of Bloomfield, Mo. Latitude 36°54'58" N., longitude 89°53'28" W. C.P. to add 4190H MHz toward Cape Girardeau Junction, Mo., and 4198H MHz toward Campbell, Mo.
- 7529-C1-P-72—American Telephone & Telegraph Co. (KAL47), 0.5 mile east of Jackson, Mo. Latitude 37°23'13" N., longitude 89°38'48" W. C.P. to add 4198H MHz toward Alliance and Bloomfield, Mo.
- 7530-C1-P-72—American Telephone & Telegraph Co. (KAS38), 4.2 miles north-northeast of Alliance, Mo. Latitude 37°37'22" N., longitude 89°58'57" W. C.P. to add 4190H MHz toward Lawrenceton, and Campe Girardeau Junction, Mo.
- 7531-C1-P-72—American Telephone & Telegraph Co. (KAS37), 2.5 miles south of Lawrenceton, Mo. Latitude 37°55'44" N., longitude 90°18'21" W. C.P. to add 4198H MHz toward Hillsboro and Alliance, Mo.
- 7532-C1-P-72—American Telephone & Telegraph Co. (KAQ78), 6.5 miles north-northeast of Alliance, Mo. Latitude 37°37'22" N., longitude 89°58'57" W. C.P. to add 4190H MHz toward Lawrenceton, Mo.
- 7533-C1-P-72—American Telephone & Telegraph Co. (KLN72), 7 miles northeast of Forest City, Ark. Latitude 35°05'34" N., longitude 90°43'06" W. C.P. to add 4190H MHz toward Cherry Valley, Ark.
- 7685-C1-P-72—Pilot Butte Transmission Co., Inc. (KPK29), White Mountain, 5 miles west of Rock Springs, Wyo. C.P. to add frequency 6300.0H MHz via power split, toward Medicine Butte, Wyo., on azimuth 259°48'.
- 7686-C1-P-72—Pilot Butte Transmission Co., Inc. (KPK28), Medicine Butte, 6 miles north-east of Evanston, Wyo. C.P. to add frequency 6256.5H MHz toward Kemmerer, Wyo., on azimuth 31°25'.

INFORMATIVE: Pilot Butte proposes to deliver the signal of television station KTWO-TV, Casper, Wyo., to CATV system serving Kemmerer, Wyo.

7688-C1-P-72—Sierra Microwave, Inc. (WHB25), 8 miles northwest of Vacaville, Calif. Modification of C.P. to change point of communication from Hotchkiss Hill, Calif., to Bald Mountain, Calif., on azimuth 65°39' and frequencies 6256.5H and 6375.2H MHz.

7689-C1-P-72—Sierra Microwave, Inc. (WIV41), Bald Mountain, 3.5 miles southeast of Balderson, Calif. Modification of C.P. to relocate station from Hotchkiss Hill, Calif., to Bald Mountain, 3.5 miles southeast of Balderson, Calif. Latitude 38°54'15" N., longitude 120°42'14" W., transmitting on frequencies 6004.5V and 6123.1V MHz toward Ward Peak, Calif., on azimuth 55°03'.

7690-C1-MP-72—Sierra Microwave, Inc. (WHA98), Ward Peak, 5 miles west-northwest of Sunnyside, Calif. Modification of C.P. to relocate station from latitude 39°08'52" N., longitude 120°14'42" W. to latitude 39°09'06" N., longitude 120°14'51" W., transmitting on frequencies 6256.5H and 6375.2H MHz toward Slide Mountain, Nev., on azimuth 60°07'.

7691-C1-ML-72—United Video, Inc. (WBP49), modification of license to operate its temporary fixed station (WBP46) in the States of Arkansas and Texas. United is presently licensed to operate temporary fixed facilities in the States of Illinois, Missouri, and Oklahoma.

7692-C1-P-72—United Video, Inc. (New), C.P. for a new station at 3 miles east of Miami, Okla., latitude 36°52'58" N., longitude 94°47'46" W., transmitting on frequency 6063.8H MHz toward Centralia, Okla., on azimuth 254°54'.



7693-C1-P-72—United Video, Inc. (New), C.P. for a new station at 2.5 miles southwest of Centuria, Okla., latitude 36°45'17" N., longitude 95°22'43" W., transmitting on frequency 6226.9H MHz toward Bartlesville, Okla., on azimuth 270°58".

**INFORMATIVE:** United proposes to provide the signal of television station KFLR-TV, St. Louis, Mo., to CATV system serving Bartlesville and Dewey, Tex.

7694-C1-P/L-72KHC—Microwave Corp. (New), C.P. and license applications for authority to operate one (1) transmitter in the 5925-6425-MHz band at Temporary Fixed locations in the State of Louisiana.

7696-C1-P-72—Western Tele-Communications, Inc. (KOC40), C.P. to change station location to New Ogden (Weber State College), Utah, at latitude 41°11'38" N., longitude 111°56'30" W., transmitting on frequency 6137.9H MHz toward Nelson Peak on azimuth 195°51' and transmitting on frequency 6108.3V MHz toward New Prumontury, Utah, on azimuth 320°55'.

7698-C1-P-72—Raom, Inc. (KYZ85), Mount Washington, N.H. C.P. to add three frequencies, 5960.0H MHz and 6078.5H MHz (via power splits) and 6212.0H MHz, toward Lewiston, Maine, on azimuth 101°09'.

**INFORMATIVE:** Raom proposes to deliver the signals of television stations WSBK-TV and WKBG-TV of Boston, Mass., and the signal of television station CHLT-TV, Sherbrooke, Canada, to CATV system serving Lewiston and Auburn, Maine.

7699-C1-P-72—New York-Penn Microwave Corp. (WDD75), C.P. to change station location to Pittston (Studio of WVIA-TV), N.Y. (Latitude 41°17'38" N., longitude 75°46'30" W.), transmitting on frequency 11,585V MHz toward Penobscot, N.Y., on azimuth 213°30'.

7700-C1-P-72—New York-Penn Microwave Corp. (WDD74), Penobscot Mountain, 0.8 mile north of Mountaintop, N.Y. C.P. to change azimuth toward Pittston (studio of WVIA-TV), N.Y., to 33°30' on frequency 10,895V MHz.

7701-C1-P-72—American Telephone & Telegraph Co. (KAK48), 2 miles northeast of Wyoming, Minn. Latitude 45°21'54" N., longitude 92°59'26" W. C.P. to add 4090V MHz toward Lino Lakes, Minn.

7702-C1-P-72—American Telephone & Telegraph Co. (KV151), 5.4 miles south-southeast of Lino Lakes, Minn. Latitude 45°07'29" N., longitude 93°03'22" W. C.P. to add 4050V toward Wyoming, Minn., and 4070H MHz toward St. Paul, Minn.

7703-C1-P-72—American Telephone & Telegraph Co. (KV150), 70 West Fourth Street, St. Paul, MN. Latitude 44°56'38" N., longitude 93°05'43" W. C.P. to add 4030H MHz toward Lino Lakes, Mont.

7704-C1-P-72—American Telephone & Telegraph Co. (KOC26), 10 South Canal Street, Chicago, IL. Latitude 41°52'54" N., longitude 87°38'24" W. C.P. to add 3710H, 3790H, and 4130V MHz toward Matteson, Ill.

7705-C1-P-72—American Telephone & Telegraph Co. (KOC27), 2 miles north of Matteson, Ill. Latitude 41°31'38" N., longitude 87°43'42" W. C.P. to add 3750V, 3830H, and 4170V MHz toward Chicago 6, Ill., and 3750V, 3830V, and 4170H MHz toward Grant Park, Ill.

7706-C1-P-72—American Telephone & Telegraph Co. (KSG64), 4 miles northeast of Momence, Ill. Latitude 41°13'46" N., longitude 87°37'31" W. C.P. to add 3710V, 3790V, and 4130H MHz toward Matteson, Ill., and 6226.9H, 6286.2H, 6345.5H, 6404.8H, and 4190H MHz toward Palmer, Ind.

7707-C1-P-72—American Telephone & Telegraph Co. (New), 0.5 mile south-southeast of Palmer, Ind. Latitude 41°23'04" N., longitude 87°14'07" W. C.P. for a new station on frequencies 5974.2V, 6034.2V, 6093.5V, 6152.8V, and 4198H MHz toward Grant Park, Ill.

7708-C1-P-72—Southwestern Bell Telephone Co. (KYJ48), 1.8 miles south of Alexander, Ark. Latitude 34°36'07" N., longitude 92°26'55" W. C.P. to change polarization from V to H on frequency 5945.2H MHz toward Tucker, Ark.

7534-C1-P/ML-72—South Central Bell Telephone Co. (KZS92), Temporary fixed locations in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. C.P. and modification of license to add transmitters on frequencies 2110-2130, 2160-2180, 3700-4200, 5925-6425, and 10,700-11,700 MHz. To add transmitters, 2 Microwave Associates, MATB and 4 Western Electric I.T.E. 5349 TDR Test Set.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier multipoint distribution service:

7669-C1-P-72—W. L. & R. L. Mendow doing business as Jacksonville Radio Dispatch Service (New), 1301 Gulf Life Drive, Jacksonville, FL. Latitude 30°19'18" N., longitude 81°39'25" W. C.P. for a new station on frequencies 2150.200 (Aural) 2152.325 (Visual) toward various receiving points of system and 2154.00 (Aural) 2158.00 (Visual) toward various receiving points of system.

7670-C1-P-72—Golden Peso (New), Woodmen Tower, 18th Street and Douglas Street, Omaha, Nebr. Latitude 41°16'03" N., longitude 95°56'22" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

7671-C1-P-72—Golden Peso (New), 505 Marquette NW, Albuquerque, NM. Latitude 35°05'14" N., longitude 106°39'09" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of the system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of the system.

7672-C1-P-72—Multi-Communication Services, Inc. (New), Bay Front Tower Building, First Street and Second Avenue, St. Petersburg, Fla. Latitude 27°46'10" N., longitude 82°38'04" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

7673-C1-P-72—Multi-Communication Services, Inc. (New), 255 South Orange Avenue, Orlando, FL. Latitude 28°32'22" N., longitude 81°22'43" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

7674-C1-P-72—Multi-Communication Services, Inc. (New), San Carlos Hotel, 1 North Palafox Street, Pensacola, FL. Latitude 30°24'58" N., longitude 87°13'02" W. C.P. for a new station on 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

7675-C1-P-72—New York-Penn Microwave Corp. (New), 3 miles west-northwest of Elmira, N.Y. Latitude 42°06'20" N., longitude 76°52'17" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of system.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier multipoint distribution service:

7676-C1-P-72—New York-Penn Microwave Corp. (New), Little Fiat Tower, 2.2 miles south-east of Boalsburg, Pa. Latitude 40°45'11" N., longitude 77°45'18" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of the system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of the system.

7677-C1-P-72—Eastern Microwave, Inc. (New), 3.5 miles east-southeast of Watertown, N.Y. Latitude 43°57'13" N., longitude 75°50'34" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of the system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of the system.

7678-C1-P-72—Eastern Microwave, Inc. (New), Smith-Hill, near Utica, N.Y. Latitude 43°08'38" N., longitude 75°10'40" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of the system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of the system.

7679-C1-P-72—Eastern Microwave, Inc. (New), Mount Pritchard, 1.8 miles south of Hinesburg, Vt. Latitude 44°22'11" N., longitude 73°06'19" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of the system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of the system.

7680-C1-P-72—Eastern Microwave, Inc. (New), Mount Greylock, 2.3 miles west-northwest of Adams, Mass. Latitude 42°38'14" N., longitude 73°09'56" W. C.P. for a new station on frequencies 2150.20 (Aural) 2152.325 (Visual) toward various receiving points of the system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of the system.

7681-C1-P-72—A. Michael Lipper (New), Luis Munoz Rivera Avenue and Franklin D. Roosevelt Avenue, San Juan, P.R. Latitude 18°25'35" N., longitude 66°03'34" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of the system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of the system.



## NOTICES

## POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7682-C1-P-72—Microwave Relay Services, Inc. (New), 1932 Wynnton Road, Columbus, Ga. Latitude 32°28'5" N., longitude 84°57'53" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of the system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of the system.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier multipoint distribution service:

7683-C1-P-72—Microwave Relay Services, Inc. (New), 682 Cherry Street, Macon, Ga. Latitude 32°50'15" N., longitude 83°37'49" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of the system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of the system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

## FLORIDA

## Jacksonville

W.L. & R.L. Meadow, doing business as Jacksonville Radio Dispatch Service (New), File No. 7669-C1-P-72.

Howard S. Klotz/William Corbus (New), File No. 5582-C1-P-72.

Microwave Relay Service, Inc. (New), File No. 6102-C1-P-72.

## St. Petersburg

Multi-Communication Services, Inc. (New), File No. 7672-C1-P-72.

Howard S. Klotz/William Corbus (New), File Nos. 5578-C1-P-72 and 5592-C1-P-72.

Microwave Relay Services, Inc. (New), File No. 6100-C1-P-72.

## Orlando

Multi-Communication Services, Inc. (New), File No. 7673-C1-P-72.

Howard S. Klotz/William Corbus (New), File No. 5579-C1-P-72.

Microwave Relay Service, Inc. (New), File No. 6101-C1-P-72.

American Television and Communications Corp. (New), File No. 7410-C1-P-72.

## Major Amendments

INFORMATIVE: Applicant MCI-North Central States, Inc., is amending four of its previously filed applications to construct a new specialized common carrier system from Minneapolis, Minn., through Wisconsin to Chicago, Ill.

2875-C1-P-70—MCI-North Central States, Inc. (New), Site 15, Leland, Wis. Change frequency and azimuth to 6004.5H MHz on azimuth 126°53' toward Springfield Corners, Wis. Delete Waunakee, Wis. as a point of communication. Delete frequency 5974.8V MHz on azimuth 113°46'. All other particulars are as reported in Public Notice No. 576, dated December 27, 1971.

2876-C1-P-70—MCI-North Central States, Inc. (New), Site 16, Springfield Corners, Wis. Change proposed station location to 0.9 mile southwest of Springfield Corners, Wis. at latitude 43°10'50", longitude 89°34'31". Correct azimuths and frequencies to 6226.9V MHz on azimuth 307°08' toward Leland, Wis., 6256.5H MHz on azimuth 127°56' toward Madison, Wis. and 6256.5V MHz on azimuth 85°27' toward Waterloo, Wis. Delete Middleton, Wis. as a point of communication. Delete frequencies 6226.9V MHz on azimuth 294°07', 6197.2H MHz on azimuth 91°22' and 10,735.0H, 11,135.0H MHz on azimuth 195°32'.

2877-C1-P-70—MCI-North Central States, Inc. (New), Site 17, Madison, Wis. Correct frequency and azimuth to 6034.2H MHz on azimuth 308°04' toward Springfield Corners, Wis. Delete Middleton, Wis. as a point of communication. Delete frequencies 10,735.0V, 11,135.0V MHz on azimuth 246°55'. All other particulars are as reported in Public Notice No. 576, dated December 27, 1971.

2878-C1-P-70—MCI-North Central States, Inc. (New), Site 18, Waterloo, Wis. Correct frequency and azimuth to 5945.2H MHz on azimuth 265°48' toward Springfield Corners, Wis. Delete Waunakee, Wis. as a point of communication. Delete frequency 5945.2H MHz on azimuth 271°38'. All other particulars are as reported in Public Notice No. 576, dated December 27, 1971.

6750-C1-P-71—The Western Union Telegraph Co. (New), C.P. for a new station to be located 0.9 mile southwest of Middletown, Va. Frequency 6123.1H toward Mount Weather, Va. Delete all particulars reported in Public Notice Report No. 547, dated June 7, 1971.

## Correction

7026-C1-P-72—Pacific Northwest Bell Telephone Co. (KOC65), Portland, Ore. Correct entry to read: C.P. to change polarization from H to V on frequencies 3770 and 3850 MHz toward Sentinel Hill, Portland, Ore. and add 3930V MHz toward Sentinel Hill, Portland, Ore.

[FR Doc.72-6818 Filed 5-4-72; 8:46 am]



[Canadian List 288]

## CANADIAN STANDARD BROADCAST STATIONS

## Notification List

APRIL 14, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CBF.....	Montreal, Quebec, N. 45°25'42", W. 73°26'58".	50	690 kHz	ND-205	U	1-A	485	120	465 E.I.O. 4.14.73.
CBM.....	Montreal, Quebec, N. 45°25'42", W. 73°26'58".	50	940 kHz	ND-227	U	1-B	485	120	465 E.I.O. 4.14.73.
CFPA (correction to coordinates).	Thunder Bay, Ontario, N. 48°24'40", W. 89°15'37".	1D/0.25N	1280 kHz	ND-210	U	IV	306	120	500
CIAP (PO: 1340 kHz, 0.25, ND).	Cabano, Quebec, N. 47°39'52", W. 68°51'44".	1D/0.25N	1280 kHz	ND-181	U	IV	125	120	325 E.I.O. 4.14.73.
(New).....	Asbestos, Quebec, N. 45°45'06", W. 71°56'26".	1D/0.25N	1340 kHz	DA-D ND-N-190	U	IV	183	120	293 E.I.O. 4.14.73.
(New).....	Brooks, Alberta, N. 50°33'31", W. 111°54'13".	1D/0.25N	1340 kHz	ND-193	U	IV	200	120	294 E.I.O. 4.14.73.
CJLM (PO: 1350, 1 kw, DA-1)	Joliette, Quebec, N. 45°59'10", W. 73°25'52".	10D/1N	1350 kHz	DA-2	U	III			E.I.O. 4.14.73.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.72-6819 Filed 5-4-72;8:46 am]

## FEDERAL POWER COMMISSION

[Docket No. CP72-254]

CAPROCK PIPELINE CO. AND  
TRANSWESTERN PIPELINE CO.

## Notice of Application

MAY 2, 1972.

Take notice that on April 26, 1972, Caprock Pipeline Co. (Caprock), Post Office Box 2542, Amarillo, TX 79105, and Transwestern Pipeline Co. (Transwestern), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-254 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for exchange, the construction and operation of facilities necessary therefor, and the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Caprock proposes to construct and operate approximately 4 miles of various diameter pipeline and compressor facilities in Carson County, Tex., and to gather and transport by means of said facilities up to 1,200 Mcf of gas per day purchased at the wellhead from Atlantic Richfield Co. Caprock will deliver said gas to Transwestern in Carson County in exchange for thermally equivalent volumes to be delivered by Transwestern at a delivery point to be constructed in

Parmer County, Tex. Transwestern will redeliver gas at rates of up to 10,000 Mcf per day.

Caprock proposes to sell the gas delivered by Transwestern to Caprock's parent, Pioneer Natural Gas Co. (Pioneer) at the rate of 26.5 cents per Mcf at 14.65 p.s.i.a. Applicants state that Pioneer had purchased pipeline gas from Transwestern in Parmer County under Transwestern's Rate Schedule E-1 which terminated October 1, 1971, and that Transwestern is unable to continue said service.

Caprock will construct its facilities at an estimated cost of \$132,150 and will reimburse Transwestern for the Parmer County delivery point estimated to cost \$3,100. Caprock will finance the facilities with a short-term note issued to Pioneer.

Applicants propose to commence service on or before June 1, 1972; and by letter filed May 1, 1972, Caprock, with the concurrence of Transwestern, requests a shortened time for the filing of protests and petitions to intervene.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for filing 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 15, 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) and the regulations under the Natural

Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-6889 Filed 5-4-72;8:48 am]



# DEPARTMENT OF LABOR

## Employment Standards Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

#### Area Wage Determination Decisions, Modifications and Supersedeas De- cisions; New Determinations

There are set forth below general Area Wage Determination Decisions Nos. AM-6725, AM-6726, AM-6727, AM-11,418, and AM-11,419 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Alaska and Texas.

The determinations in these decisions of such prevailing rates and fringe benefits 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. 494, 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 the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effec-

tive date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above States are set forth below:

#### MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modification and/or Supersedeas Decisions to area wage determination decisions for specified localities in Alabama, Connecticut, District of Columbia, Florida, Georgia, Michigan, Minnesota, New Mexico, Oklahoma, Rhode Island, Texas, and West Virginia.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1591, AM-1592, AM-1594, Aug. 6, 1971	
AM-1595, AM-1596, AM-1603, AM-1604, AM-1605.	
AM-2377, AM-2378, AM-2379, Aug. 13, 1971	
AM-2380, AM-2381.	
AM-386 (8608)-----	Aug. 18, 1971
AM-442 (8607), AM-443, AM-449 (9696), AM-450 (9695), AM-454 (9697), AM-469 (8606).	Aug. 20, 1971
AM-3613, AM-3614-----	Aug. 25, 1971
AM-8583-----	Mar. 3, 1972
AM-9690, AM-11,406-----	Mar. 24, 1972
AM-9691, AM-9692, AM-11,411, AM-412, AM-11,413.	Apr. 14, 1972
AM-9693, AM-11,415-----	Apr. 21, 1972

Are hereby modified and/or superseded as set forth below. Supersedeas decisions numbers are in parentheses following the number of the decision 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 determination 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. The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

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. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 28th day of April 1972.

HORACE E. MENASCO,  
Administrator, Employment  
Standards Administration.



## NOTICES

9155

## NEW DECISIONS

State: Alaska; County: Area I.

Decision No.: AM-6,725; Date: May 5, 1972.

Description of work: Residential construction consisting of 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
Asbestos workers	\$8.10	\$0.20	\$0.25			
Boilermakers	8.20	.30	.70	\$0.45	\$0.02	
Boilermakers' helpers	7.90	.30	.70	.45	.02	
Bricklayers; blocklayers; stonemasons	10.48	.35	.70		.05	
Carpenters:						
Carpenters	9.59	.45	1.00		.05	
Millwrights	9.96	.45	1.00		.05	
Piledrivers	8.83	.45	1.00		.05	
Cement masons:						
Cement masons	8.50	.35	1.00		.05	
Power machine operator	8.80	.35	1.00		.05	
Composition, mastic and colored cement; Hand power grinders	8.96	.35	1.00		.05	
Culinary workers:						
Baker or combination cook-baker; head cook; working camp manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head waiter or head waitress	5.86	.35	.50			
Head bullock	5.78	.35	.50			
Camp worker (waiter, waitress, bullock, general helper, miscellaneous worker); bartender	5.64	.35	.50			
Electricians (inside):						
Electricians; equipment operators	10.25	.35	1%+.50		.075	
Cable splicers	11.50	.35	1%+.50		.075	
Elevator constructors:						
Elevator constructors' helpers	5.75	.175	\$0.20	2%+a		
Elevator constructors' helpers (probationary)	70%J.R.	.175	.20	2%+a		
Glaziers	50%J.R.					
Ironworkers:	\$8.10	.35		b		
Bender operators; bridge; fence erectors; machinery mover; ornamental; reinforcing; riggers; sheeters; structural (in tunnels-10% additional)	9.54	.50	1.00		.09	
Lathers	9.45	.30		\$1.08		
Line construction (outside):						
Groundmen	8.25	.35	1%+.50		.075	
Equipment operators; linemen; technicians	10.25	.35	1%+.50		.075	
Cable splicers	11.50	.35	1%+.50		.075	
Marble setters	10.48	.35	\$0.70		.05	
Painters zones 1 and 3:						
Brush; paperhangers	8.98	.60	.45		.05	
Brush swing stage; bosun chair; sign tapers; hand; Utilidors	9.23	.60	.45		.05	
Brush swing stage; bosun chair; structural steel; sandblaster; pot tenders; spray; buffer operators	9.48	.60	.45		.05	
Sanders; tapers, machine	9.73	.60	.45		.05	
Finish coat, all metal; spray structural steel; epoxy and tar applicators	9.98	.60	.45		.05	
Spray structural steel, bosun chair or swing stage	10.23	.60	.45		.05	
Painters zone 2:						
Brush; glaziers; paperhangers	9.83	.60	.45		.05	
Brush swing stage; bosun chair; sign taper, hand; Utilidors	10.08	.60	.45		.05	
Brush swing stage bosun chair; structural steel; sandblaster; pot tenders; spray buffer operators	10.33	.60	.45		.05	
Sanders; tapers, machine	10.58	.60	.45		.05	
Finish coat, all metal; spray structural steel; epoxy and tar applicators	10.83	.60	.45		.05	
Spray structural steel, bosun chair or swing stage	11.08	.60	.45		.05	
Plasterers	9.46	.35	1.00		.05	
Plumbers; steamfitters	9.55	.60	.90		.05	
Roofers	9.35	.30	.50			
Sheet metal workers	8.93	.17				
Soft floor layers:						
Zones 1 and 3	8.98	.60	.45		.05	
Zone 2	9.83	.60	.45		.05	
Sprinkler fitters	10.00	.25	.40		.05	
Terrazzo workers	10.48	.35	.70		.05	
Terrazzo workers' helpers	7.93	.35	.70		.05	
Tile setters	9.87	.35	.70		.05	
Tile setters' helpers	7.93	.35	.70		.05	
Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or 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. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F.						
b. After 1 year of continuous employment, 2 weeks' vacation with pay.						
LABORERS:						
Building laborers:						
Laborers; carpenter tenders; material handlers; hook tenders; form stripper; signal men; riggers; sandblast pot tender	7.54	.35	1.00		.10	
Base and floor machine men	7.69	.35	1.00		.10	
Pneumatic or power tools	7.78	.35	1.00		.10	
Jackhammer	7.90	.35	1.00		.10	
Guniting operator and sandblaster	8.15	.35	1.00		.10	
Bricklayers, cement finishers and plasterers' tenders	8.23	.35	1.00		.10	
Tank cleaners:						
Tank cleaners	7.83	.35	1.00		.10	
Clearing and grading:						
General laborer; dump man; riggers; signal men; pitman; brush cutters	7.54	.35	1.00		.10	
Choke setters	7.72	.35	1.00		.10	
Stake hopper, grademan	7.79	.35	1.00		.10	
Chuck tender (wagon and air tract drills); jackhammer and pavement breakers	7.90	.35	1.00		.10	
Pipelayer, culvert; high scaler; sloper over 20 ft.; timber faller, buckers, chain and other power saws	8.15	.35	1.00		.10	
Wagon driller	8.24	.35	1.00		.10	
Air track wagon driller	8.34	.35	1.00		.10	
Chain saw filer	8.44	.35	1.00		.10	
High rigger and tree topper; powdermen	8.55	.35	1.00		.10	
Concrete crews:						
Concrete laborer (including vibratorman, power buggy and concrete power saw); curb and gutter man	7.74	.35	1.00		.10	
Asphalt crews:						
General crew	7.74	.35	1.00		.10	
Rakers	8.21	.35	1.00		.10	
Tar rubber add 25% to above rates.						
Cement, lime dumper or handler:						
Sack or bulk	8.15	.35	1.00		.10	



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Laborers—Continued</b>						
Sewers:						
Ditch diggers; monolithic workers	7.54	.35	1.00			.10
Mason tender; mud mixer	8.12	.35	1.00			.10
Sewer pipelayers; sewer caulkers; timberman	8.15	.35	1.00			.10
Steam point or water jet:						
Operator	7.79	.35	1.00			.10
Water mains:						
Ditch digger	7.54	.35	1.00			.10
Burning and cutting torch:						
Burning and cutting torch (except intermittent torch work)	8.23	.35	1.00			.10
Stave pipe crews:						
General laborer	7.54	.35	1.00			.10
Pipe builders	8.15	.35	1.00			.10
Bridges, dams, etc:						
General laborer; dryer man; sandblast pot tender	7.54	.35	1.00			.10
Gunnite operator; sandblaster	8.15	.35	1.00			.10
Tunnels:						
Topman; bull gang; brakeman	7.54	.35	1.00			.10
Laborers; muckers; nippers	7.71	.35	1.00			.10
Chuck tender	7.97	.35	1.00			.10
Maintenance man	8.15	.35	1.00			.10
Miners; retimberman	8.46	.35	1.00			.10
Miners shafts and raises	8.59	.35	1.00			.10
Powderman	8.80	.35	1.00			.10
Monolithic crews (tunnel):						
All monolithic workers	8.15	.35	1.00			.10
Power equipment operators:						
Batch plant operators:						
Batch and mixer, 200 yd per hr. and under	9.35	.35	.50			
Batch and mixer, over 200 yd	10.12	.35	.50			
Brooms, power (Wayne, Saginaw and similar types)	9.30	.35	.50			
Bulldozers:						
Under D6 or similar	9.30	.35	.50			
D6 through D9 or similar	9.41	.35	.50			
T.C. 12; Quad 9; pay dozers; linked pusher and similar; bulldozers engaged in yo-yo operation	10.18	.35	.50			
Bump cutter (Concut, Christensen, or similar types)	9.41	.35	.50			
Cableways and highlines:						
3 yd. and under	10.18	.35	.50			
Over 3 yd	10.85	.35	.50			
Cement hogs	9.63	.35	.50			
Compressors:						
Excavating	8.91	.35	.50			
Steel erection, including sandblasting, painting of same; piling	9.68	.35	.50			
Conveyors:						
Conveyors	9.41	.35	.50			
Conveyors, beltcrete with power pack and similar types	9.92	.35	.50			
Cranes:						
"A" frame trucks, deck winches, single power drum	9.47	.35	.50			
"A" frame trucks, deck winches, double power drum; crawler, truck type, floating (locomotive, Whirley, either 3 yd. and under, or 150' boom including jibs and under or 45 tons and under); Hydraulic; Hyster cat cranes and attachments, sidebooms 45 tons and under	10.18	.35	.50			
Crawler, truck type, floating (locomotive, Whirley, either over 3 yd. and under 6 yd. or over 150' boom, including jibs or over 45 tons); tower cranes, Peeco, Lorraine, Bucyrus and similar types; Hyster cat cranes and attachments, sidebooms over 45 tons through 100 tons	10.85	.35	.50			
Crawler, truck type, floating (locomotive, Whirley, either 6 yd. or over, or over 200' of boom, including jibs or over 150 ton); Hyster cat cranes and attachments sidebooms over 100 tons	11.50	.35	.50			
Crushers, rock, washing and screening plants	9.47	.35	.50			
Derricks (all)	10.12	.35	.50			
Drilling machines, core, cable, rotary and exploration	10.12	.35	.50			
Finishing machine, concrete paving	9.36	.35	.50			
Hoist, air tuggers, elevators	9.47	.35	.50			
Hoist, on steel erection, towermobiles and air tuggers	9.68	.35	.50			
Loaders:						
Elevating—Athey, Barber Greene and similar types; overhead and frontend, under 2½ yd	9.35	.35	.50			
Elevating belt type, Euclid and similar type	9.92	.35	.50			
Elevating grader type, Dumor and similar type	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site)	9.28	.35	.50			
Fork lifts with tower	9.68	.35	.50			
Fork lifts with power boom and swing attachment; overhead and frontend, 2½ yd and under 4 yd	10.18	.35	.50			
Overhead and frontend, 4 yd. and under 10 yd	10.85	.35	.50			
Overhead and frontend, 10 yd. and over	11.50	.35	.50			
Locomotives:						
Dinky (air, steam, gas and electric) speeders	8.91	.35	.50			
Rod and geared engines	9.63	.35	.50			
Mechanics:						
Mechanics, welders, heavy duty	9.74	.35	.50			
Mechanic leadman	9.99	.35	.50			
Mechanics, light duty	8.82	.35	.50			
Mechanics, helpers, heavy duty shop	8.39	.35	.50			
Mixers:						
Concrete mixers and batch, 200 yd. per hr. and under	9.35	.35	.50			
Asphalt	9.64	.35	.50			
Mobile type with hoist combination	10.12	.35	.50			
Motor Patrol graders:						
Model 14 or similar types and under	9.47	.35	.50			
Over model 14 or similar types	10.18	.35	.50			
Mucking machines, mole, tunnel drill, and/or shield:						
Oil, blower distributors	10.12	.35	.50			
Oil, blower distributor	9.05	.35	.50			
Oilers, brakemen, gradecheckers	8.47	.35	.50			
Equipment service oilers and firemen	8.86	.35	.50			
Oiler, either over 3 yd., or over 150' boom or over 45 tons	8.80	.35	.50			
Piledriver engineers:						
Piledriver engineers, L. B. Foster puller or similar, paving breaker	10.18	.35	.50			
Post hole diggers, mechanical	9.28	.35	.50			
Powerplant, turbine operators:						
Under 300 kw	9.47	.35	.50			
300 kw. and over	10.18	.35	.50			



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators—Continued						
Pumps:						
Fuller Kenyon; pumperete and concrete	9.35	.35		.50		
Water	9.00	.35		.50		
Rollers, tampers and vibrators:						
On plant or road mix materials	9.35	.35		.50		
Other than plant or road mix	8.82	.35		.50		
Saws, concrete	9.30	.35		.50		
Sauerman, Bagley	10.18	.35		.50		
Scrapers:						
Carry all type, single	9.30	.35		.50		
Carry all type, tandem	9.08	.35		.50		
Screedman	9.36	.35		.50		
Shovels:						
Crawler and truck type, all attachments, 3 yd. and under	10.18	.35		.50		
Crawler and truck type, all attachments over 3 yd. and under 6 yd.	10.85	.35		.50		
Crawler and truck type, all attachments, 6 yd. and over	11.50	.35		.50		
Spreaders:						
Blaw Knox, Cedarapids, Barber Greene, Railroad Wing spreader or similar type	9.36	.35		.50		
Slip form paver, C.M.I. and similar types	10.85	.35		.50		
Subgrader (Gurries, C.M.I. and similar types)	10.18	.35		.50		
Tractors:						
Farm all type, less than 50 hp.	8.82	.35		.50		
Farm all type, 50 hp. and over	9.35	.35		.50		
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case and similar types)	10.18	.35		.50		
Tournapulls:						
Tournapulls, Caterpillar, Euclid scraper and similar type equipment 25 yd. and under	9.47	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 25 yd. through 40 yd.	10.18	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 40 yd. through 55 yd.	10.85	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 55 yd. through 70 yd.	11.50	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 70 yd. through 85 yd.	12.17	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 85 yd. through 100 yd.	12.75	.35		.50		
Trenching Machines:						
Under 16 inches	9.35	.35		.50		
16 inches and over	9.86	.35		.50		
Truck drivers:						
Gravel spreader box operator on truck; pickup; swamper and riggers	7.26	.58		1.60		
Warehouseman	7.41	.58		1.60		
Batch trucks up to and including 5 yd.; bull lifts and fork lifts up to and including 5 tons; bus operators, up to 30 passengers; dump trucks, Euclids and similar equipment up to and including 5 yd.; flatbeds single rear axle; water wagon, single axle; winch truck, flatbed including "A" frame manufactured rating 5 tons and under	7.51	.58		1.60		
Ready mix, up to and including 3 yds.	7.64	.58		1.60		
Buggy mobile; Hyster operators (handling bulk aggregate); lumber carriers	7.92	.58		1.60		
Partisan and outside expeditor; Dumpster; semi or truck and trailer; batch trucks over 5 yd.; dump trucks, Euclids and similar type equipment over 5 yd. and up to and including 10 yd.; greasers; tire servicemen; flatbeds, dual rear axle; ready mix over 3 yd. and up to and including 5 yd.; water wagon, semi; water wagon, dual axle; winch truck, flatbed including "A" frame manufactured rating over 5 tons; bull lifts and fork lifts over 5 tons; bus operators, over 30 passengers	7.98	.58		1.60		
Water wagon, when pulled by Euclid or similar type equipment	8.18	.58		1.60		
Rockbuggy	8.20	.58		1.60		
Ready mix, over 5 yd. and up to and including 7 yd.	8.24	.58		1.60		
Compactor (when pulled by rubber tired equipment) dump trucks, Euclids and similar type equipment over 10 yd. and up to and including 20 yd.; lowbed heavy duty trailer; oiler distributor	8.26	.58		1.60		
Turn-O-Wagon or DW-10 when not self loading	8.38	.58		1.60		
Ready mix, over 7 yd. and up to and including 9 yd.	8.47	.58		1.60		
Dump trucks, Euclids and similar type equipment, over 20 yd. and up to and including 30 yd.	8.61	.58		1.60		
Ready mix, over 9 yds. and up to and including 12 yd.	8.71	.58		1.60		
Dump trucks, Euclids and similar type equipment, over 30 yd. and up to and including 40 yd.	8.89	.58		1.60		
Ready mix, 13 yd. and over	8.95	.58		1.60		
Ready mix, semi with double bowl mixer	9.10	.58		1.60		
Dump trucks, Euclids and similar type equipment over 40 yd. and up to and including 50 yd.	9.14	.58		1.60		
Dump trucks, Euclids and similar type equipment over 50 yd.	9.42	.58		1.60		
Dispatcher (ready mix) 35¢ per hour above highest classification under his supervision.						

State: Alaska; County: Area II.

Decision No.: AM-6,726; Date: May 5, 1972.

Description of work: Residential construction consisting of 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
Asbestos workers	\$8.10	\$0.20	\$0.25			
Boilermakers	8.20	.30	.70	\$0.45	\$0.02	
Boilermakers' helpers	7.90	.30	.70	.45	.02	
Bricklayers; blocklayers; stonemasons	10.48	.35	.70		.05	
Carpenters:						
Carpenters	8.56	.45	1.00		.05	
Piledrivers	8.83	.45	1.00		.05	
Millwrights	9.02	.45	1.00		.05	
Cement masons:						
Cement masons	8.50	.35	1.00		.06	
Power machine operators	8.80	.35	1.00		.06	
Composition, mastic, colored cement; hand power grinders	8.96	.35	1.00		.06	
Culinary workers:						
Baker or combination cook-baker; head cook; working camp manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head waiter or head waitress	5.86	.35	.50			
Head bullock	5.78	.35	.50			
Camp worker (waiter, waitress, bullock, general helper, miscellaneous worker); bartender	5.64	.35	.50			
Electricians (inside):						
Electricians: equipment operators	10.25	.35	1%+.50		.075	
Cable splicers	11.50	.35	1%+.50		.075	
Elevator constructors	5.75	.175	\$0.20	2%+.a		
Elevator constructors' helpers	70%JR	.175	.20	2%+.a		



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Elevator constructors' helpers (probationary).....	50% JR					
Glaziers.....	\$8.81	.35		b		.66
Ironworkers:						
Bender operator; bridge; fence erectors; machinery movers; ornamental; reinforcing; riggers; sheeters; structural (in tunnels 10% additional).....	9.54	.50	1.00			.09
Lathers.....	9.45	.30		\$1.03		
Line construction (outside):						
Groundmen.....	8.25	.35	1%+.50			.075
Equipment operators; linemen; technicians.....	10.25	.35	1%+.50			.075
Cable splicers.....	11.50	.35	1%+.50			.075
Marble setters.....	10.48	.35	\$0.70			.05
Painters:						
Brush; hardwood floor sander and/or finisher; paperhanger; sign painter.....	9.00	.35	.60			.05
Swing stage.....	9.25	.35	.60			.05
Structural steel; tapers/dry wall sander.....	9.40	.35	.90			.05
Pot tenders; sandblasters; spray.....	9.60	.35	.60			.05
Steeplejack; towers.....	11.00	.35	.60			.05
Plasterers.....	9.46	.35	1.00			.06
Plumbers; steamfitters.....	9.85	.58	.75			.08
Roofers.....	9.05	.30	.50			
Sheet metal workers.....	10.45	.26	.50			.67
Soft floor layers.....	9.40	.35		.35		.05
Sprinkler fitters.....	10.00	.25	.40			.05
Terrazzo workers.....	10.48	.35	.70			.05
Terrazzo workers' helpers.....	7.93	.35	.70			.05
Tile setters.....	9.87	.35	.70			.05
Tile setters' helpers.....	7.93	.35	.70			.05
Riggers; Welders: Receive rates for craft performing operation to which rigging or 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.						
Footnote:						
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit. Six paid holidays: A through F.						
b. Employees who have been continuously employed for 1 year with an employer shall be granted 2 weeks' vacation with 80 hours' pay. 8 paid holidays: A through F. Washington's Birthday and Veterans' Day.						
LABORERS:						
Building laborers:						
Laborers; carpenter tenders; material handlers; hook tenders; form stripper; signal men; riggers; sandblast pot tender.....	7.54	.35	1.00			.10
Base and floor machine men.....	7.69	.35	1.00			.10
Pneumatic or power tools.....	7.78	.35	1.00			.10
Jackhammer.....	7.90	.35	1.00			.10
Gunnite operator and sandblaster.....	8.15	.35	1.00			.10
Bricklayers, cement finishers and plasterers' tenders.....	8.23	.35	1.00			.10
Tank cleaners:						
Tank cleaners.....	7.83	.35	1.00			.10
Clearing and grading:						
General laborer; dump man; riggers; signal men; pitman; brush cutters.....	7.54	.35	1.00			.10
Choke setters.....	7.72	.35	1.00			.10
Stake hopper, grademan.....	7.79	.35	1.00			.10
Chuck tender (wagon and air tract drills); jackhammer and pavement breakers.....	7.90	.35	1.00			.10
Pipelayer, culvert; high scaler; sloper over 20 ft.; timber faller, buckers, chain and other power saws.....	8.15	.35	1.00			.10
Wagon driller.....	8.24	.35	1.00			.10
Air track wagon driller.....	8.34	.35	1.00			.10
Chain saw filer.....	8.44	.35	1.00			.10
High rigger and tree topper; powdermen.....	8.55	.35	1.00			.10
Concrete crews:						
Concrete laborer (including vibratorman, power buggy and concrete power saw); curb and gutter man.....	7.74	.35	1.00			.10
Asphalt crews:						
General crew.....	7.74	.35	1.00			.10
Rakers.....	8.21	.35	1.00			.10
Tar rubber add 25¢ to above rates.						
Cement, lime dumper or handler:						
Sack or bulk.....	8.15	.35	1.00			.10
Sewers:						
Ditch diggers; monolithic workers.....	7.54	.35	1.00			.10
Mason tender; mud mixer.....	8.12	.35	1.00			.10
Sewer pipelayers; sewer caulkers; timberman.....	8.15	.35	1.00			.10
Steam point or water jet:						
Operator.....	7.79	.35	1.00			.10
Water mains:						
Ditch digger.....	7.54	.35	1.00			.10
Burning and cutting torch:						
Burning and cutting torch (except intermittent torch work).....	8.23	.35	1.00			.10
Stave pipe crews:						
General laborer.....	7.54	.35	1.00			.10
Pipe builders.....	8.15	.35	1.00			.10
Bridges, dams, etc:						
General laborer; dryer man; sandblast pot tender.....	7.54	.35	1.00			.10
Gunnite operator; sandblaster.....	8.15	.35	1.00			.10
Tunnels:						
Topman; bull gang; brakeman.....	7.54	.35	1.00			.10
Laborers; muckers; nippers.....	7.71	.35	1.00			.10
Chuck tender.....	7.97	.35	1.00			.10
Maintenance man.....	8.15	.35	1.00			.10
Miners; retimberman.....	8.46	.35	1.00			.10
Miners shafts and raises.....	8.59	.35	1.00			.10
Powderman.....	8.80	.35	1.00			.10
Monolithic crews (tunnel):						
All monolithic workers.....	8.15	.35	1.00			.10



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators:						
Batch plant operators:						
Batch and mixer, 200 yd. per hr. and under	9.35	.35	.50			
Batch and mixer, over 200 yd.	10.12	.35	.50			
Brooms, power (Wayne, Saginaw, and similar types)	9.30	.35	.50			
Bulldozers:						
Under D6 or similar	9.30	.35	.50			
D6 through D9 or similar	9.41	.35	.50			
T.C. 12; Quad 9; pay dozers, linked pusher and similar; bulldozers engaged in yo-yo operation	10.18	.35	.50			
Bump cutter (Concut, Christensen, or similar types)	9.41	.35	.50			
Cableways and highlines:						
3 yd. and under	10.18	.35	.50			
Over 3 yd.	10.85	.35	.50			
Cement hogs	9.03	.35	.50			
Compressors:						
Excavating	8.91	.35	.50			
Steel erection, including sandblasting, painting of same; piledriving	9.08	.35	.50			
Conveyors:						
Conveyors	9.41	.35	.50			
Conveyors, beltcrete with power pack and similar types	9.02	.35	.50			
Cranes:						
"A" frame trucks, deck winches, single power drum	9.47	.35	.50			
"A" frame trucks, deck winches, double power drum; crawler, truck type, floating (locomotive, Whirley, either 3 yd. and under, or 150' boom including jibs and under or 45 tons and under); Hydralifts; Hyster cat cranes and attachments, sidebooms 45 tons and under	10.18	.35	.50			
Crawler, truck type, floating (locomotive, Whirley, either over 3 yd. and under 6 yd. or over 150' boom, including jibs or over 45 tons); tower cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster cat cranes and attachments, sidebooms over 45 tons through 100 tons	10.85	.35	.50			
Crawler, truck type, floating (locomotive, Whirley, either 6 yd. or over, or over 200' of boom, including jibs or over 150 ton); Hyster cat cranes and attachments, sidebooms over 100 tons	11.50	.35	.50			
Crushers, rock, washing and screening plants	9.47	.35	.50			
Derriks (all)	10.12	.35	.50			
Drilling machines, core, cable, rotary and exploration	\$10.12	.35	.50			
Finishing machine, concrete paving	9.36	.35	.50			
Hoist, air tuggers, elevators	9.47	.35	.50			
Hoist, on steel erection, towermobiles and Air tuggers	9.08	.35	.50			
Loaders:						
Elevating—Athey, Barber Greene and similar types; overhead and front-end, under 2½ yd.	9.35	.35	.50			
Elevating belt type, Euclid and similar type	9.92	.35	.50			
Elevating grader type, Dumas and similar type	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site)	9.28	.35	.50			
Fork lifts with tower	9.08	.35	.50			
Fork lifts with power boom and swing attachment; overhead and front-end, 2½ yd and under 4 yd	10.18	.35	.50			
Overhead and front-end, 4 yd and under 10 yd	10.85	.35	.50			
Overhead and front-end, 10 yd and over	11.50	.35	.50			
Locomotives:						
Dinky (air, steam, gas and electric) speeders	8.91	.35	.50			
Rod and geared engines	9.03	.35	.50			
Mechanics:						
Mechanics, welders, heavy duty	9.74	.35	.50			
Mechanic leadman	9.99	.35	.50			
Mechanics, light duty	8.82	.35	.50			
Mechanics, helpers, heavy duty shop	8.39	.35	.50			
Mixers:						
Concrete mixers and batch, 200 yd per hr. and under	9.35	.35	.50			
Asphalt	9.04	.35	.50			
Mobile type with hoist combination	10.12	.35	.50			
Motor patrol graders:						
Model 14 or similar types and under	9.47	.35	.50			
Over model 14 or similar types	10.18	.35	.50			
Mucking machines, mole, tunnel drill, and/or shield	10.12	.35	.50			
Oil, blower distributors:						
Oil, blower distributor	9.05	.35	.50			
Oilers, brakemen, gradecheckers	8.47	.35	.50			
Equipment service oilers and firemen	8.86	.35	.50			
Oiler, either over 3 yd., or over 150' boom or over 45 tons	8.86	.35	.50			
Piledriver engineers:						
Piledriver engineers, L. B. Foster puller or similar, paving breaker	10.18	.35	.50			
Post hole diggers, mechanical	9.28	.35	.50			
Power plant, turbine operators:						
Under 300 kw	9.47	.35	.50			
300 kw. and over	10.18	.35	.50			
Pumps:						
Fuller Kenyon; pumperete and concrete	9.35	.35	.50			
Water	9.00	.35	.50			
Rollers, tampers and vibrators:						
On plant or road mix materials	9.35	.35	.50			
Other than plant or road mix	8.82	.35	.50			
Saws, concrete	9.30	.35	.50			
Sauerman, bagley	10.18	.35	.50			
Scrapers:						
Carry all type, single	9.30	.35	.50			
Carry all type, tandem	9.08	.35	.50			
Screedman	9.35	.35	.50			
Shovels:						
Crawler and truck type, all attachments, 3 yd. and under	10.18	.35	.50			
Crawler and truck type, all attachments, over 3 yd. and under 6 yd.	10.85	.35	.50			
Crawler and truck type, all attachments, 6 yd. and over	11.50	.35	.50			
Spreaders:						
Blaw Knox, Cedarapids, Barber Green, Railroad Wing spreader or similar type	9.26	.35	.50			
Slip form paver, C.M.I. and similar types	10.85	.35	.50			
Subgrader (Gurries, C.M.I. and similar types)	10.18	.35	.50			
Tractors:						
Farm all type, less than 50 hp.	8.82	.35	.50			
Farm all type, 50 hp. and over	9.35	.35	.50			
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case and similar types)	10.18	.35	.50			
Tournapulls:						
Tournapulls, Caterpillar, Euclid scraper and similar type equipment 25 yd. and under	9.47	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 25 yd. through 40 yd.	10.18	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 40 yd. through 55 yd.	10.85	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 55 yd. through 70 yd.	11.50	.35	.50			



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Power equipment operators—Continued</b>						
<b>Tournapulls—Continued</b>						
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 70 yd. through 85 yd.	12.17	.35		.50		
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 85 yd. through 100 yd.	12.75	.35		.50		
<b>Trenching machines:</b>						
Under 16 inches.	9.35	.35		.50		
16 inches and over	9.86	.35		.50		
<b>Truck drivers:</b>						
Gravel spreader box operator on truck; pickup; swamper and riggers	7.26	.58		1.60		
Warehouseman	7.41	.58		1.60		
Batch trucks up to and including 5 yd.; bull lifts and fork lifts up to and including 5 tons; bus operators, up to 30 passengers; dump trucks, Euclids and similar equipment up to and including 5 yd.; flatbeds single rear axle; water wagon, single axle; winch truck, flatbed including "A" frame manufactured rating 5 tons and under.	7.51	.58		1.60		
Ready mix, up to and including 3 yd.	7.64	.58		1.60		
Buggymobile; Hyster operators (handling bulk aggregate); lumber carriers.	7.92	.58		1.60		
Partsman and outside expeditor; Dumpster; semi or truck and trailer; batch trucks over 5 yd.; dump trucks, Euclids and similar type equipment over 5 yd. and up to and including 10 yd.; greasers; tire servicemen; flatbeds, dual rear axle; ready mix, over 3 yd. and up to and including 5 yd.; water wagon, semi; water wagon, dual axle; winch truck, flatbed including "A" frame manufactured rating over 5 tons; bull lifts and fork lifts over 5 tons; bus operators, over 30 passengers.	7.98	.58		1.60		
Water wagon, when pulled by a Euclid or similar type equipment.	8.18	.58		1.60		
Rockbuggy	8.20	.58		1.60		
Ready mix, over 5 yd. and up to and including 7 yd.	8.24	.58		1.60		
Compactor (when pulled by rubber tired equipment) dump trucks, Euclids and similar type equipment over 10 yd. and up to and including 20 yd.; lowbed heavy duty trailer; other distributor.	8.26	.58		1.60		
Turn-O-Wagon or DW-10 when not self-loading	8.38	.58		1.60		
Ready mix, over 7 yd. and up to and including 9 yd.	8.47	.58		1.60		
Dump trucks, Euclids and similar type equipment, over 20 yd. and up to and including 30 yd.	8.61	.58		1.60		
Ready mix, over 9 yd. and up to and including 12 yd.	8.71	.58		1.60		
Dump trucks, Euclids and similar type equipment, over 30 yd. and up to and including 40 yd.	8.89	.58		1.60		
Ready mix, 13 yd. and over	8.95	.58		1.60		
Ready mix, semi with double bowl mixer	9.10	.58		1.60		
Dump trucks, Euclids and similar type equipment over 40 yd. and up to and including 50 yd.	9.14	.58		1.60		
Dump trucks, Euclids and similar type equipment over 50 yd.	9.42	.58		1.60		
Dispatcher (ready mix) 35¢ per hour above highest classification under his supervision.						

State: Alaska; County: Area III.

Decision No. AM-6,727; Date: May 5, 1972.

Description of work: Residential construction consisting of 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.	Others
Asbestos workers	\$8.10	\$0.20	\$0.25			
Boilermakers	8.20	.30	.70	\$0.45	\$0.02	
Boilermakers' helpers	7.90	.30	.70	.45	.02	
Bricklayers; blocklayers; marble setters; stonemasons; terrazzo workers	10.48	.35	.70		.05	
<b>Carpenters:</b>						
Carpenters	8.56	.45	1.00		.05	
Millwrights	9.02	.45	1.00		.05	
Piledrivermen	8.83	.45	1.00		.05	
<b>Cement masons:</b>						
Cement masons	8.50	.35	1.00		.06	
Composition, mastic and colored cement	8.96	.35	1.00		.06	
Power machine operators	8.80	.35	1.00		.06	
Hand power grinders	8.96	.35	1.00		.06	
<b>Culinary workers:</b>						
Baker or combination cook-baker; head cook; working camp manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head waiter or head waitress	5.86	.35	.50			
Head bullock	5.78	.35	.50			
Camp worker (waiter, waitress, bullock, general helper, miscellaneous worker); bartender	5.64	.35	.50			
<b>Electricians (inside):</b>						
Electricians; equipment operators	10.25	.35	1%+.50		.075	
Cable splicers	11.50	.35	1%+.50		.075	
Elevator constructors	5.75	.175	\$0.20	2%+a		
Elevator constructors' helpers	70%JR	.175	.20	2%+a		
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	\$8.81	.35		b	.05	
<b>Ironworkers:</b>						
Bender operator; bridge; fence erectors; machinery movers; ornamental; reinforcing; riggers; sheeters; structural (in tunnels 10% additional)	9.54	.50	1.00		.09	
Lathers	9.45	.30		\$1.08		
<b>Line construction (outside):</b>						
Groundmen	8.25	.35	1%+.50		.075	
Equipment operators; linemen; technicians	10.25	.35	1%+.50		.075	
Cable splicers	11.50	.35	1%+.50		.075	
<b>Painters:</b>						
Brush; hardwood floor sander and/or finisher; paperhanger; sign painter	9.00	.35	\$0.60		.05	
Swing stage	9.25	.35	.60		.05	
Structural steel; tapers	9.40	.35	.60		.05	
Pot tenders; sandblasters; spray	\$9.60	.35	.60		.05	
Steeplejack; towers	11.00	.35	.60		.05	
Plasterers	9.46	.35	1.00		.05	
Plumbers; steamfitters	10.80					
Roofers	9.05	.35	.50		.05	
Sheet metal workers	7.79	.35	.50		.05	
Soft floor layers	9.40	.35		.35	.05	
Sprinkler fitters	10.00	.25	.40		.05	
Terrazzo workers' helpers	7.93	.35	.70		.05	



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Tile setters.....	9.87	.35	.70	-----	.05	-----
Tile setters' helpers.....	7.93	.35	.70	-----	.05	-----
Biggers: welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanks-giving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F.						
b. Employees who have been continuously employed for 1 year with an employer shall be granted 2 weeks' vacation with 80 hours' pay. 8 paid holidays: A through F, Washington's Birthday and Veterans' Day.						
Laborers:						
Building laborers:						
Laborers; carpenter tenders; material handlers; hook tenders; form stripper; signal men; riggers; sandblast pot tender.....	7.54	.35	1.00	-----	.10	-----
Base and floor machine men.....	7.69	.35	1.00	-----	.10	-----
Pneumatic or power tools.....	7.78	.35	1.00	-----	.10	-----
Jackhammer.....	7.90	.35	1.00	-----	.10	-----
Gunnite operator and sandblaster.....	8.15	.35	1.00	-----	.10	-----
Bricklayers, cement finishers and plasterers' tenders.....	8.23	.35	1.00	-----	.10	-----
Tank cleaners:						
Tank cleaners.....	7.83	.35	1.00	-----	.10	-----
Clearing and grading:						
General laborer; dump man; riggers; signal men; pitman; brush cutters.....	7.54	.35	1.00	-----	.10	-----
Choke setters.....	7.72	.35	1.00	-----	.10	-----
Stake hopper, grademan.....	7.79	.35	1.00	-----	.10	-----
Chuck tender (wagon and air tract drills); jackhammer and pavement breakers.....	7.90	.35	1.00	-----	.10	-----
Pipelayer, culvert; high scaler; sloper over 20 ft.; timber faller, buckers, chain and other power saws.....	8.15	.35	1.00	-----	.10	-----
Wagon driller.....	8.24	.35	1.00	-----	.10	-----
Air track wagon driller.....	8.34	.35	1.00	-----	.10	-----
Chain saw filer.....	8.44	.35	1.00	-----	.10	-----
High rigger and tree topper; powdermen.....	8.55	.35	1.00	-----	.10	-----
Concrete crews:						
Concrete laborer (including vibratorman, power buggy and concrete power saw); curb and gutter man.....	7.74	.35	1.00	-----	.10	-----
Asphalt crews:						
General crew.....	7.74	.35	1.00	-----	.10	-----
Rakers.....	8.21	.35	1.00	-----	.10	-----
Tar rubber add 25¢ to above rates.						
Cement, lime dumper or handler:						
Sack or bulk.....	8.15	.35	1.00	-----	.10	-----
Sewers:						
Ditch diggers; monolithic workers.....	7.54	.35	1.00	-----	.10	-----
Mason tender; mud mixer.....	8.12	.35	1.00	-----	.10	-----
Sewer pieplayers; sewer caulkers; timberman.....	8.15	.35	1.00	-----	.10	-----
Steam point or water jet:						
Operator.....	7.79	.35	1.00	-----	.10	-----
Water Mains:						
Ditch digger.....	7.54	.35	1.00	-----	.10	-----
Burning and cutting torch:						
Burning and cutting torch (except intermittent torch work).....	8.23	.35	1.00	-----	.10	-----
Stave pipe crews:						
General laborer.....	7.54	.35	1.00	-----	.10	-----
Pipe builders.....	8.15	.35	1.00	-----	.10	-----
Bridges, dams, etc:						
General laborer; dryer man; sandblast pot tender.....	7.54	.35	1.00	-----	.10	-----
Gunnite operator; sandblaster.....	8.15	.35	1.00	-----	.10	-----
Tunnels:						
Topman; bull gang; brakeman.....	7.54	.35	1.00	-----	.10	-----
Laborers; muckers; nippers.....	7.71	.35	1.00	-----	.10	-----
Chuck tender.....	7.97	.35	1.00	-----	.10	-----
Maintenance man.....	8.15	.35	1.00	-----	.10	-----
Miners; retimberman.....	8.46	.35	1.00	-----	.10	-----
Miners shafts and raises.....	8.59	.35	1.00	-----	.10	-----
Powderman.....	8.80	.35	1.00	-----	.10	-----
Monolithic crews (tunnel):						
All monolithic workers.....	8.15	.35	1.00	-----	.10	-----
Power equipment operators:						
Batch plant operators:						
Batch and mixer, 200 yd. per hr. and under.....	9.35	.25	.50	-----	-----	-----
Batch and mixer, over 200 yd.....	10.12	.35	.50	-----	-----	-----
Brooms, power (Wayne, Saginaw, and similar types).....	9.30	.35	.50	-----	-----	-----
Bulldozers:						
Under D6 or similar.....	9.30	.35	.50	-----	-----	-----
D6 through D9 or similar.....	9.41	.35	.50	-----	-----	-----
T. C. 12; Quad 9; pay dozers; linked pusher and similar; bulldozers engaged in yo-yo operation.....	10.18	.35	.50	-----	-----	-----
Bump cutter (Concut, Christensen, or similar types).....	9.41	.35	.50	-----	-----	-----
Cableways and highlines:						
3 yd. and under.....	10.18	.35	.50	-----	-----	-----
Over 3 yd.....	10.85	.35	.50	-----	-----	-----
Cement hogs:						
Compressors:	9.63	.35	.50	-----	-----	-----
Excavating.....	8.91	.35	.50	-----	-----	-----
Steel erection, including sandblasting, painting of same; piledriving.....	9.68	.35	.50	-----	-----	-----
Conveyors:						
Conveyors.....	9.41	.35	.50	-----	-----	-----
Conveyors, beltcrete with power pack and similar types.....	9.92	.35	.50	-----	-----	-----
Cranes:						
"A" frame trucks, deck winches, single power drum.....	9.47	.35	.50	-----	-----	-----
"A" frame trucks, deck winches, double power drum; crawler, truck type, floating (locomotive, Whirley, either 3 yd. and under, or 150' boom including jibs and under or 45 tons and under); Hydrolifts; Hyster cat cranes and attachments, sidebooms 45 tons and under.....	10.18	.35	.50	-----	-----	-----
Crawler, truck type, floating (locomotive, Whirley, either over 3 yd. and under 6 yd. or over 150' boom, including jibs or over 45 tons); tower cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster cat cranes and attachments, sidebooms over 45 tons through 100 tons.....	10.85	.35	.50	-----	-----	-----
Crawler, truck type, floating (locomotive, Whirley, either 6 yd. or over, or over 200' of boom, including jibs or over 150 tons); Hyster cat cranes and attachments sidebooms over 100 tons.....	11.50	.35	.50	-----	-----	-----
Crushers, rock, washing and screening plants.....	9.47	.35	.50	-----	-----	-----
Derricks (all).....	10.12	.35	.50	-----	-----	-----



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators—Continued						
Drilling machines, core, cable, rotary and exploration.....	10.12	.35	.50			
Finishing machine, concrete paving.....	9.36	.35	.50			
Hoist, air tuggers, elevators.....	9.47	.35	.50			
Hoist, on steel erection, towermobiles and air tuggers.....	9.68	.35	.50			
Loaders:						
Elevating—Athey, Barber Green and similar types; overhead and front end, under 2½ yd.....	9.35	.35	.50			
Elevating belt type, Euclid and similar type.....	9.92	.35	.50			
Elevating grader type, Dumas and similar type.....	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site).....	9.28	.35	.50			
Fork lifts with tower.....	9.68	.35	.50			
Fork lifts with power boom and swing attachment; overhead and front end, 2½ yd. and under 4 yd.....	10.18	.35	.50			
Overhead and front end, 4 yd. and under 10 yd.....	10.85	.35	.50			
Overhead and front end, 10 yd. and over.....	11.60	.35	.50			
Locomotives:						
Dinky (air, steam, gas and electric) speeders.....	8.91	.35	.50			
Rod and geared engines.....	9.63	.35	.50			
Mechanics:						
Mechanics, welders, heavy duty.....	9.74	.35	.50			
Mechanic leadman.....	9.99	.35	.50			
Mechanics, light duty.....	8.82	.35	.50			
Mechanics, helpers, heavy duty shop.....	8.39	.35	.50			
Mixers:						
Concrete mixers and batch, 200 yd. per hr. and under.....	9.35	.35	.50			
Asphalt.....	9.64	.35	.50			
Mobile type with hoist combination.....	10.12	.35	.50			
Motor patrol graders:						
Model 14 or similar types and under.....	9.47	.35	.50			
Over model 14 or similar types.....	10.18	.35	.50			
Mucking machines, mole, tunnel drill, and/or shield.....	10.12	.35	.50			
Oil, blower distributors:						
Oil, blower distributor.....	9.05	.35	.50			
Oilers, brakemen, gradecheckers.....	8.47	.35	.50			
Equipment service oilers and firemen.....	8.86	.35	.50			
Oiler, either over 3 yd., or over 150' boom or over 45 tons.....	8.86	.35	.50			
Piledriver engineers:						
Piledriver engineers, L. B. Foster puller or similar, paving breaker.....	10.18	.35	.50			
Post hole diggers, mechanical.....	9.28	.35	.50			
Power plant, turbine operators:						
Under 300 kw.....	9.47	.35	.50			
300 kw. and over.....	10.18	.35	.50			
Pumps:						
Fuller Kenyon; pumperete and concrete.....	9.35	.35	.50			
Water.....	9.00	.35	.50			
Rollers, tampers and vibrators:						
On plant or road mix materials.....	9.35	.35	.50			
Other than plant or road mix.....	8.82	.35	.50			
Saws, concrete.....	9.30	.35	.50			
Sauerman, bagley.....	10.18	.35	.50			
Scrapers:						
Carry all type, single.....	9.30	.35	.50			
Carry all type, tandem.....	9.68	.35	.50			
Screedman.....	9.36	.35	.50			
Shovels:						
Crawler and truck type, all attachments, 3 yd. and under.....	10.18	.35	.50			
Crawler and truck type, all attachments, over 3 yd. and under 6 yd.....	10.85	.35	.50			
Crawler and truck type, all attachments, 6 yd. and over.....	11.60	.35	.50			
Spreaders:						
Blaw Knox, Cedarapids, Barber Greene, Railroad Wing spreader or similar type.....	9.36	.35	.50			
Slip form paver, C.M.I. and similar types.....	10.85	.35	.50			
Subgrader (Gurries, C.M.I. and similar types).....	10.18	.35	.50			
Tractors:						
Farm all type, less than 50 hp.....	8.82	.35	.50			
Farm all type, 50 hp. and over.....	9.35	.65	.50			
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case and similar types).....	10.18	.35	.50			
Tournapulls:						
Tournapulls, Caterpillar, Euclid scraper and similar type equipment 25 yd. and under.....	9.47	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 25 yd. through 40 yd.....	10.18	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 40 yd. through 55 yd.....	10.85	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 55 yd. through 70 yd.....	11.50	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 70 yd. through 85 yd.....	12.17	.35	.50			
Tournapulls, Caterpillar, Euclid scraper and similar type equipment over 85 yd. through 100 yd.....	12.75	.35	.50			
Trenching machines:						
Under 16 inches.....	9.35	.35	.50			
16 inches and over.....	9.86	.35	.50			
Truck drivers:						
Gravel spreader box operator on truck; pickup; swamper and riggers.....	7.26	.58	1.60			
Warehouseman.....	7.41	.58	1.60			
Batch trucks up to and including 5 yd.; bull lifts and fork lifts up to and including 5 tons; bus operators, up to 30 passengers; dump trucks, Euclids and similar equipment up to and including 5 yd.; flatbeds single rear axle; water wagon, single axle; winch truck, flatbed including "A" frame manufactured rating 5 tons and under.....	7.51	.58	1.60			
Ready mix, up to and including 3 yd.....	7.64	.58	1.60			
Buggymobile; Hyster operators (handling bulk aggregate); lumber carriers.....	7.92	.58	1.60			
Partsman and outside expeditor; Dumpster; semi or truck and trailer; batch trucks over 5 yd; dump trucks, Euclids and similar type equipment over 5 yd. and up to and including 10 yd.; graders; tire servicemen; flatbeds, dual rear axle; ready mix, over 3 yd. and up to and including 5 yd.; water wagon, semi; water wagon, dual axle; winch truck, flatbed including "A" frame manufactured rating over 5 tons; bull lifts and fork lifts over 5 tons; bus operators, over 30 passengers.....	7.98	.58	1.60			
Water wagon, when pulled by a Euclid or similar type equipment.....	8.18	.58	1.60			
Rockbuggy.....	8.20	.58	1.60			
Ready mix, over 5 yd.; and up to and including 7 yd.....	8.24	.58	1.60			
Compactor (when pulled by rubber tired equipment) dump trucks, Euclids and similar type equipment over 10 yd. and up to and including 20 yd.; lowbed heavy duty trailer; oiler distributor.....	8.26	.58	1.60			
Turn-O-wagon or DW-10 when not self-loading.....	8.38	.58	1.60			
Ready mix, over 7 yd. and up to and including 9 yd.....	8.47	.58	1.60			
Dump trucks, Euclids and similar type equipment, over 20 yd. and up to and including 30 yd.....	8.61	.58	1.60			
Ready mix, over 9 yd. and up to and including 12 yd.....	8.71	.58	1.60			
Dump trucks, Euclids and similar type equipment, over 30 yd. and up to and including 40 yd.....	8.89	.58	1.60			
Ready mix, 13 yd. and over.....	8.95	.58	1.60			
Ready mix, semi with double bowl mixer.....	9.10	.58	1.60			
Dump trucks, Euclids and similar type equipment over 40 yd. and up to and including 50 yd.....	9.14	.58	1.60			
Dump trucks, Euclids and similar type equipment over 50 yd.....	9.42	.58	1.60			
Dispatcher (ready mix) 35¢ per hour above highest classification under his supervision.....						



## NOTICES

9163

## NEW DECISIONS—Continued

State: Texas; Counties: Cameron, Hidalgo, Starr, and Willacy.

Decision No.: AM-11,418; Date: May 5, 1972.

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
23-Texas-1d:						
Building construction:						
Asbestos workers	\$6.285	\$0.25	\$0.225			
Boilermakers	6.50	.30	.40		\$0.01	
Bricklayers	4.60					
Carpenters						
Piledriverman	4.275					
Cement masons	4.67					
Electricians	3.50					
Cable splicers	5.50		1%		1%	
Electricians	5.25		1%		1%	
Glaziers	2.75					
Laborers						
Common laborers	1.60					
Mason tenders	1.75					
Pipelayers (concrete and clay)	2.00					
Painters						
Brush	2.60					
Plasterers	5.00					
Plumbers—Pipefitters	5.75				.035	
Roofers						
Roofers	3.00					
Kettlemen	2.05					
Soft floor layers	2.00					
Sprinkler fitters	7.60	.25	\$0.40		.05	
Terrazzo workers	2.50					
Terrazzo workers' helpers	1.83					
Tile setters	2.50					
Tile setters' helpers	1.75					
Truck drivers	1.93					
Welders—Receive rate prescribed for craft performing operation to which welding is incidental.						
Incidental paving and utilities:						
Air tool man	1.85					
Asphalt raker	2.70					
Carpenter	2.70					
Carpenter helper	2.00					
Concrete finisher (structures)	2.75					
Concrete finisher helper (structures)	2.25					
Electrician	3.75					
Form setter (structures)	2.75					
Form setter helper (structures)	2.30					
Laborer, common	1.85					
Laborer, utility man	2.25					
Mechanic	2.75					
Other	2.15					
Painter (structures)	2.35					
Piledriverman	3.00					
Pipelayer	3.30					
Reinforcing steel setter (structures)	2.70					
Reinforcing steel setter helper	2.25					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.55					
Asphalt paving machine	3.00					
Bulldozer, over 150 hp	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.70					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.00					
Roller, steel wheel (plant-mix pavements)	2.50					
Roller, steel wheel (other-flat wheel or tamping)	2.35					
Roller, pneumatic (self-propelled)	2.10					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 hp	2.55					
Tractor (pneumatic) 80 hp and less	2.50					
Tractor (pneumatic) over 80 hp	2.85					
Trenching machine, light	3.25					
Truck drivers:						
Single axle, light	1.85					
Single axle, heavy	2.00					
Tandem axle or semitrailer	1.85					



## NEW DECISIONS—Continued

State: Texas; Counties: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant, and Wise.  
 Decision No.: AM-11,419; Date: May 5, 1972.  
 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.	Others
<b>Building construction:</b>						
Asbestos workers.....	\$6.675	\$0.25	\$0.325		\$0.025	
Boilermakers.....	6.50	.30	.40		.01	
Bricklayers—stonemasons:						
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties.....	7.035	.20	.40		.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	7.00	.20	.40		.015	
Grayson County.....	6.80					
Carpenters:						
Grayson County.....	6.40				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	6.52	.20	.15		.02	
Power saw operators:						
Grayson County.....	6.65				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	6.645	.20	.15		.02	
Millwrights:						
Grayson County.....	6.80				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	7.20				.02	
Piledrivermen:						
Grayson County.....	6.90				.005	
Cement masons:						
Grayson County.....	6.16					
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	5.40	.25	.20			
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties.....	6.195	.25	.25		.01	
Electricians:						
Grayson County.....	6.775		1%		.02	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	6.985	2.75	1%		3 1/2%	
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties:						
Zone A—Dallas County.....	6.985	4%	1%		0.70 of 1%	
Zone B—All work outside Dallas up to a 40-mile radius from Dallas city hall.....	7.235	4%	1%		.70 of 1%	
Zone C—All work outside Zones A and B.....	7.485	4%	1%		.70 of 1%	
Cable splicers:						
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	7.235	\$0.275	1%		7/10%	
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties:						
Zone A—Dallas County.....	7.6835	4%	1%		.70 of 1%	
Zone B—All work outside Dallas up to a 40-mile radius from Dallas city hall.....	7.9585	4%	1%		.70 of 1%	
Zone C—All work outside Zones A and B.....	8.2335	4%	1%		.70 of 1%	
Elevator constructors.....	6.20	\$0.175	\$0.20	2%+a+b		
Elevator constructors' helpers.....	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (probationary).....	80%JR					
Glaziers:						
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties.....	\$06.00	.15	.15			
Ironworkers.....	6.085	.25	.40		\$0.03	
Laborers:						
Grayson County:						
Unskilled laborers.....	4.08	.125	.20			
Air tool operator (jackhammer, vibrator), mason tenders and mortar mixers, pipelayers.....	4.33	.125	.20			
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties:						
General laborer, excavation, concrete work, carpenter tender, reinforcing-shoring, digging, loading, unloading, slip form jack operator, wrecking buildings, scaffold builder, asphalt ironer, asphalt raker, waterproofing tender, tool room tender, dumper, spotter, concrete pumpcrete pipe (handling and laying).....	4.305	.15	.20		.02	
Power tool operator, vibrator, cutting torch man, concrete grademen, power buggy operator, wagon drill operator, well driller, well driller tender, drilling rig tender, cement finisher tender, metal pan and steel form men.....	4.455	.15	.20		.02	
Concrete pipe (handling and laying), tile and marble, terrazzo helper, mason handler, scaffold builder, mason tenders, hod carrier, mortar mixer, lather tender, plasterer tender, pier hole and ditch men.....	4.555	.15	.20		.02	
Sand blaster, blaster, powderman, Gunite nozzleman and terrazzo grinder, gunite worker.....	4.705	.15	.20		.02	
Lathers:						
Grayson, Collin, Dallas, Denton, Ellis, Hunt, Kaufman and Rockwall Counties.....	6.73	.20		\$0.26	.04	
Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties.....	7.02	.20			.01	
Marble setters:						
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties.....	6.50					
Painters:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties:						
Brush.....	6.035	.30	.20		.04	
All wall covering work; paper, fabric, sheeting, flexwood, etc.....	6.16	.30	.20		.04	
Ames tools operator.....	6.16	.30	.20		.04	
Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes.....	6.41	.30	.20		.04	
Denton County:						
Brush, hand roller.....	6.00					
All wall covering work.....	6.125					
Structural steel; stage and bosun chair work, window jack, spraying, sandblasting and power tool work.....	6.25					
Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties:						
Brush.....	5.975		.20			
Spray work, pressure rollers, sandblasting, structural steel, bosun chair, any window painted on window sill or window jack, stage work, painting of fire escapes, or steel storage tanks, paperhanging or vinyl work, taping and bedding.....	6.225		.20			
Steeplejack work (classified as: radio and TV towers, smokestacks, and water towers and similar facilities and chimneys located closer to the edge of the building than the height of the pole) and work performed with material such as creosote, coal tar products or similar materials containing ingredients similarly injurious to the skin.....	7.225		.20			
Plasterers:						
Grayson County.....	6.05		.25		.01	
Collin, Dallas, Ellis, Hunt, Kaufman, and Rockwall Counties.....	6.495	.20		.50	.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant, and Wise Counties.....	7.215				.01	
Plumbers—Steamfitters.....	7.00	.25	.61		.06	
Roofers:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman, and Rockwall Counties:						
Slate and tile.....	6.025		.25		.01	
Composition and build-up roofing, damp proofing, and bituminous waterproofing.....	5.875		.25		.01	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant, and Wise Counties:						
Slate, tile, asbestos, roofing, and siding.....	5.905				.03	
Composition, build-up, damp and waterproofing, kettlemen.....	5.845				.03	



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building construction—Continued						
Sheet metal workers:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman, and Rockwall Counties	6.025	.20				
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant, and Wise Counties	6.675	.25	.20		.025	
Soft floor layers:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman, and Rockwall Counties	4.99				.02	
Sprinkler fitters	7.60	.25	.40		.05	
Tile setters:						
Collin, Dallas, Hunt, Kaufman and Rockwall Counties	6.20					
Tile setters' helpers:						
Collin, Dallas, Hunt, Kaufman and Rockwall Counties	4.28					
Truck drivers:						
Grayson County	1.75					
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties	4.25					
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties	4.00					
WELDERS—Receive rate prescribed for craft performing operation to which welding is incidental.						
Footnotes:						
a—1st 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rates.						
b—Paid holidays—A through F.						
Paid Holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Building construction:						
Power equipment operators:						
Collin, Dallas, Ellis, Hunt, Kaufman and Rockwall Counties:						
Heavy duty mechanic (foreman); asphalt mixer operator on job; blade grader, self-propelled; bull clam; backfiller; bulldozer and all cat type tractors; backhoe; concrete mixer, over 14 cu. ft.; crusher operator on job; concrete batch plant operator; clam shell; cranes (all types) truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity; escalated rate on crane and derricks booms; \$0.01 per hr., per ft., over 90 ft. including jib; draglines; derricks, power operated (all types); DW-10 Caterpillar, S-8 Euclid and similar tractors; elevating grader, self-propelled; foundation drilling machines (all); forklifts, used in handling machinery on construction; grade all; hoist, motor driven, 2 drums or more; locomotive crane; mixmobile; paving mixers (all types); pile drivers; pumperete machines; pneumatic rollers, self-propelled; shovels, power operated; scrapers, over 3 cu. yd., scoopmobile; trenching machines, all types; winch trucks, when poles and winch is used; water well drilling machines, used on construction; well point pumps; welding machines (7 to 13 machines); all other equipment of similar nature coming under heavy equipment class, when power operated						
	5.80	.175		.175		
Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cu. ft.; water pumps—2½" or over and 2 or more pumps; pulsometer; welding machines, gasoline or diesel driven (2 to 6 machines); wagon drill operator; conveyor; hoist, single drum; scraper, 3 cu. yd. or less; generator, gasoline or diesel driven (over 1,500 w.); bobcat with loader; all other equipment of similar nature coming under the light equipment class, when power operated						
	5.40	.175		.175		
Grayson County:						
Oilers (all types)						
Air compressors (1); pump (1); pulsometer; conveyor; throttle valves; wagon drill; elevators building; form graders; hoist, single drum; mixers, less than 14 cu. ft.; screening plants; welding machines gas and diesel (2 or more); crushing plants; forklifts (short, under 25 ft.); concrete pumps (all types); bobcat type equipment						
	5.21	.30		.50		
Ford tractor or like with any attachments (except backhoe); drilling machines (all types); scoopmobile; hoist, two drum or more; forklifts (over 25 ft.); winch truck; six wheel truck, when used continuously 5 days; mixermobile; locomotives; mixers, 14 cu. ft. or over; blade graders, self-propelled; cableways; cranes—power operated to 100 ft.; Fordson type backhoe; derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; paving mixers (all types); pile drivers; mobile concrete mixers over 14 cu. ft.; bulldozers, loaders, tractors; scrapers and pulls; welders; trenching machines; roller, 10 tons or over; air compressors, 3; air compressors and 1 pump; pump, 3 or more; air compressor and air tugger; boilers, 2 or more fired by 1 man; heavy duty mechanic						
	5.61	.30		.50		
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant and Wise Counties:						
	4.825	.30		.50		
Oilers (all types)						
Air compressor (1); pump (1); pulsometer; conveyor; throttle valves; wagon drill; elevators building; form graders; hoist, single drum; mixers, less than 14 cu. ft.; screening plants; welding machine gas and diesel (2 or more); crushing plants; fork lifts (short, under 25 ft.); concrete pumps (all types); bobcat type equipment						
	5.61	.30		.50		
Ford tractor or like with any attachments (except backhoe); drilling machines (all types); scoopmobile; hoist, 2 drums or more; forklifts (over 25 ft.); winch truck; 6 wheel truck, when used continuously for 5 days; mixermobile; locomotives; mixer, 14 cu. ft. or over; blade graders, self-propelled; cableways; cranes—power operated to 100 ft.; Fordson type backhoe; derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; paving mixers (all types); pile drivers; mobile concrete mixers, over 14 cu. ft.; bulldozers, loaders, tractors; scrapers and pulls; welders; trenching machines; roller, 10 tons or over; air compressors, 3; air compressors and 1 pump; pump, 3 or more; air compressor and air tugger; boilers, 2 or more fired by 1 man; heavy duty mechanic						
	6.01	.30		.50		
Incidental paving (Tarrant County) incidental paving and utilities (Collin, Dallas, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant and Wise Counties):						
Air tool man	2.55					
Asphalt heaterman	2.65					
Asphalt raker	3.25					
Asphalt shoveler	2.50					
Batching plant scaleman	2.95					
Carpenter	3.25					
Carpenter helper	3.00					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.95					
Concrete rubber	2.75					
Electrician	5.00					
Form builder (structures)	3.50					
Form builder helper (structures)	2.50					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.25					
Form setter helper (paving and curb)	2.50					
Form setter (structures)	3.50					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.85					
Oiler	2.75					
Pipelayer	3.25					



## NEW DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Incidental paving—Continued						
Pipelayer helper.....	2.50					
Powderman.....	3.00					
Reinforcing steel setter (structures).....	3.25					
Reinforcing steel setter helper.....	2.50					
Sign erector.....	3.00					
Sign erector helper.....	2.50					
Spreader box man.....	2.50					
Swamper.....	2.00					
Power equipment operators:						
Asphalt distributor.....	3.25					
Asphalt paving machine.....	3.25					
Bulldozer, 150 hp. and less.....	3.15					
Bulldozer, over 150 hp.....	3.25					
Concrete paving curing machine.....	3.00					
Concrete paving finishing machine.....	3.50					
Concrete paving saw.....	2.75					
Concrete paving spreader.....	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.).....	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over).....	3.50					
Foundation drill operator (truck mounted).....	4.20					
Foundation drill operator helper.....	3.65					
Front end loader (2½ cu. yd. and less).....	3.25					
Front end loader (over 2½ cu. yd.).....	3.50					
Motor grader operator, fine grade.....	3.50					
Motor grader operator.....	3.25					
Roller, steel wheel (plant—mix pavements).....	3.25					
Roller, steel wheel (other—flat wheel or tamping).....	2.60					
Roller, pneumatic (self-propelled).....	2.25					
Scrapers (17 cu. yd. and less).....	3.15					
Scrapers (over 17 cu. yd.).....	3.25					
Tractor (crawler type) 150 hp. and less.....	2.75					
Tractor (crawler type) over 150 hp.....	3.00					
Tractor (pneumatic) 80 hp. and less.....	2.20					
Tractor (pneumatic) over 80 hp.....	2.85					
Traveling mixer.....	2.70					
Wagon drill, boring machine or post hole driller operator.....	2.80					
Truck drivers:						
Single axle, light.....	2.50					
Single axle, heavy.....	2.55					
Tandem axle or semitrailer.....	2.50					
Lowboy—float.....	3.25					
Transit—mix.....	3.25					
Welder.....	3.55					

## MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-443-36 F.R. 16352, Aug. 30, 1971, Mobile County, Ala., Modification No. 5						
CHANGE: Asbestos workers	\$7.60	\$0.345	\$0.00			
WD No. AM-1591-36 F.R. 14552, Aug. 6, 1971, Litchfield County, Conn., Modification No. 5						
CHANGE: Building, heavy and highway construction:						
Carpenters, soft floor layers, piledrivermen (building only):						
Northfield, Thomaston, Watertown, and Morris	8.05	.40	.20		g	\$0.02
Remainder of county	8.25	.40	.20		f	
Lathers:						
Remainder of county	8.75	.25	.15			.01
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
WD No. AM-1592-36 F.R. 14556, Aug. 6, 1971, Middlesex County, Conn., Modification No. 4						
CHANGE: Building, heavy and highway construction:						
Electricians:						
Cromwell, Middlefield, Middletown, and Portland	8.35	.40	1%+.20			¼%
WD No. AM-1594-36 F.R. 14564, Aug. 6, 1971, New London County, Conn., Modification No. 3						
OMIT: Building, heavy and highway construction:						
Lathers:						
Griswold, Ledyard, North Stonington, and Voluntown	4.65					
ADD: Building, heavy and highway construction:						
Lathers:						
Groton	7.40	.45	\$0.50			\$0.01
CHANGE: Building, heavy and highway construction:						
Bricklayers, cementmasons—finishers, stonemasons (heavy and highway only)	7.60	.40	.25		f	
Carpenters, soft floor layers, piledrivermen (building only):						
Remainder of county	7.20	.40	.20	\$0.25		.005
Electricians:						
Remainder of county	8.35	.40	1%+.20			½%
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.45	\$0.44			\$0.04
Lathers:						
Remainder of county	9.15	.25	.30			.01
Leadburners	7.40	.30			d	.01
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
Sheet metalworkers	8.45	.50	.30			.02

## Footnotes:

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee had 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.



## NOTICES

9167

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1595—86 F.R. 14568, Aug. 6, 1971, Tolland County, Conn., Modification No. 3						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cementmasons—finishers, stonemasons (heavy and highway)	7.60	.40	.25	e		
Carpenters, soft floor layers and piledrivermen (building only):	8.27	.25	.20			
Remainder of county	8.35	.40	1%+.20		1/2%	
Electricians:						
Ironworkers:						
Structural, ornamental, and reinforcing	9.30	.45	\$0.44		\$0.04	
Lathers:						
Remainder of county	9.15	.20	.30		.01	
Leadburners:	7.40	.30		c	.01	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
Sheet metal workers	8.45	.50	.36		.02	
Footnotes:						
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-1596—86 F.R. 14571, Aug. 6, 1971 Windham County, Conn., Modification No. 3						
OMIT:						
Building, heavy and highway construction:						
Lathers:						
Ashford and Eastford	4.50	.15	.10			
ADD:						
Building, heavy and highway construction:						
Lathers:						
Danielson	7.40	.45	.50		.01	
CHANGE:						
Building, heavy and highway construction:						
Asbestos workers:						
Woodstock	7.60	.34	.15		.01	
Remainder of county	8.20	.39	.35		.005	
Bricklayers, cementmasons—finishers, stonemasons (heavy and highway)	7.60	.40	.25	f		
Carpenters, soft floor layers, piledrivermen (building only)	8.27	.25	.20			
Electricians:	8.35	.40	1%+.20		1/2%	
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.45	\$0.44		\$0.01	
Lathers:						
Chaplin, Hampton, Scotland, and Windham	9.15	.20	.30		.01	
Remainder of county	7.60	.45	.25			
Lead burners	7.40	.30		c	.01	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
Sheet metal workers	8.45	.50	.36		.02	
Footnotes:						
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-9691—57 F.R. 7452, Apr. 14, 1972, Fairfield County, Conn., Modification No. 2						
ADD:						
Building, heavy and highway construction.						
Footnotes:						
j. Paid holidays: C through E.						
CHANGE:						
Building, heavy and highway construction:						
Carpenters, soft floor layers (building only):						
Shelton	7.75	.45	.20	j		
Lathers:						
Bethel, Brookfield, Danbury, New Fairfield, Newton, and Sherman	8.75	.25	.15		.01	
Plumbers, steamfitters:						
Remainder of county	7.85	.40	.30	\$0.30		
WD No. AM-9692—57 F.R. 7455, Apr. 14, 1972, Hartford County, Conn., Modification No. 2						
ADD:						
Building, heavy and highway construction.						
Footnotes:						
i. Paid holiday: Labor Day.						
CHANGE:						
Building, heavy and highway construction:						
Carpenters, soft floor layers, piledrivermen (building only):						
Burlington	8.25	.40	.20	a		
Southington	8.05	.40	.20	g	.02	
Electricians:						
Remainder of county	8.35	.40	1%+.20		1/2%	
Lathers:						
Bristol and Southington	8.75	.25	\$0.15		\$0.01	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
Plumbers:						
Southington	9.00	.40	.75	i		
Footnotes:						
g. Paid holidays: B through E.						
WD No. AM-9693—57 F.R. 7928, Apr. 21, 1972, New Haven County, Conn., Modification No. 1						
ADD:						
Building, heavy and highway construction:						
Footnotes:						
i. Paid holiday: Labor Day.						
CHANGE:						
Building, heavy and highway construction:						
Carpenters, soft floor layers, piledrivermen (building only):						
Ansonia, Seymour, Derby, and Orange	7.75	.45	.20	k		
Milford	8.15	.25	.35	g		
Cheshire, Middlebury, Prospect, Southbury, Waterbury, Wolcott, Beacon Falls, and Naugatuck	8.05	.40	.20	h	.02	
Remainder of county	7.45	.40	.20			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.45	.44		.04	



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building, heavy and highway construction—Continued						
Lathers:						
Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, and Wolcott.....	8.75	.25	.15			.01
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers.....	7.50	.25	.15			
Painters:						
Brush:						
Milford (remainder of township).....	7.00	.25	.25	f		
Milford (up to Gulf Street).....	6.40	.25	.25			
Remainder of county.....	6.40	.25	.25			
Structural steel:						
* Milford.....	8.00	.25	.25	f		
Spray:						
Milford (up to Gulf Street).....	9.15	.25	.25			
Remainder of county.....	9.15	.25	.25			
Commercial and industrial:						
Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Waterbury, and Wolcott.....	6.00	.25	.25			
Plumbers and steamfitters:						
Milford.....	8.60	.25	.20			.01
Middlebury, Southbury, Waterbury, Wolcott, and South Britain.....	7.97	.48	.30			.05
Cheshire, Meriden, and Wallingford.....	9.00	.40	.75	1		
WD No. AM-9,682—37 F.R. 4472, Mar. 3, 1972 Washington, D.C., Modification No. 3						
CHANGE:						
Electricians.....	8.85	.35	1%+.30			.10
Glaziers.....	7.58	.46	\$0.40			
Ironworkers:						
Structural.....	8.00	.45	.35			.01
Ornamental and chain link fence.....	8.00	.45	.35			.01
Reinforcing.....	7.50	.35	.25			.03
Lead burners.....	7.40	.30		c		.01
Line construction:						
Linemen, cable splicers, equipment operators.....	9.36	.20	1%		1/4 of 1%	
Truck with winch, truck pole or steel handling.....	6.94	.20	1%		1/4 of 1%	
Groundmen (0 to 1 yr.).....	5.52	.20	1%		1/4 of 1%	
Groundmen (1 to 2 yr.).....	6.43	.20	1%		1/4 of 1%	
Groundmen (over 2 yr.).....	6.08	.20	1%		1/4 of 1%	
Marble setters.....	8.20	.15	\$0.25			
Marble setters' helpers.....	6.85					
Stonemasons.....	8.20	.15	.25			
Footnotes:						
c. Holidays: A through F, plus 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).						
OMIT:						
Footnote d.						
WD No. AM-8583—37 F.R. 3153, February 11, 1972, Chatham County, Ga., Modification No. 3						
CHANGE:						
Glaziers.....	5.00					
Power equipment operators:						
Air compressor, batchplant, bulldozers, mixers, end loaders, scrapers, patrols, and tuggers.....	5.85	.25	.25			
Cranes, derricks, draglines, sidebooms, mechanics, piledrivermen, and backhoes.....	6.45	.25	.25			
Distributors, finishing machines, rollers, plain tractors, firemen.....	5.60	.25	.25			
Hoist, boom truck.....	6.20	.25	.25			
Trenching machines, small backhoes.....	6.05	.25	.25			
Other and helpers.....	5.45	.25	.25			
Pump operator.....	5.50	.25	.25			
Master mechanic.....	6.95	.25	.25			
WD No. AM-2,377—36 F.R. 15392, Aug. 13, 1971, Hennepin County, Minn., Modification No. 3						
CHANGE:						
Site preparation, excavation, and incidental paving, heavy and highway construction:						
Carpenters.....	7.13	.40	.20	.50		\$0.02
Piledrivermen.....	7.13	.40	.20	.50		.02
WD No. AM-2,378—36 F.R. 15397, Aug. 13, 1971, Ramsey County, Minn., Modification No. 3						
CHANGE:						
Site preparation, excavation, and incidental paving, heavy and highway construction:						
Carpenters.....	7.13	.40	.20	.50		.02
Piledrivermen.....	7.13	.40	.20	.50		.02
WD No. AM-2,379—36 F.R. 15402, Aug. 13, 1971, St. Louis (Duluth) County, Minn. Modification No. 5						
CHANGE:						
Site preparation, excavation, and incidental paving, heavy and highway construction:						
Carpenters.....	7.28	.25		.30		
Piledrivermen.....	7.28	.25		.30		
WD No. AM-2,380—36 F.R. 15406, Aug. 13, 1971, Anoka, Carver, Dakota, Scott, and Washington Counties, Minn., Modification No. 2						
CHANGE:						
Carpenters.....	7.13	.40	.20	.50		.02
Piledriverman.....	7.13	.40	.20	.50		.02
WD No. AM-2,381—36 F.R. 15410, Aug. 13, 1971, Cook, Lake, and St. Louis Counties, Minn., Modification No. 2						
CHANGE:						
Carpenters (Cook, Lake, south 1/2 of St. Louis).....	7.28	.25		.30		
Carpenters (north 1/2 of St. Louis).....	7.23	.25		.30		
WD No. AM-3,613—36 F.R. 16744, Aug. 25, 1971, Bernalillo County, N. Mex., Modification No. 5						
OMIT:						
10-New Mexico-3-m schedules for "streets, highways, utilities, and light engineering construction"						



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-8,614-36 F.R. 16749, Aug. 25, 1971, Los Alamos County, N. Mex., Modification No. 5						
CHANGE:						
General building and heavy engineering construction:						
Carpenters:						
Carpenters.....	5.61	.30	.35	.20	.04	
Millwrights.....	5.86	.30	.35	.20	.04	
Piledrivermen.....	5.86	.30	.35	.20	.04	
Plasterers.....	5.65	.24			.01	
WD No. AM-11,406-37 F.R. 6139, Mar. 24, 1972, Statewide, N. Mex., Modification No. 2						
ADD:						
Line construction (statewide except Bernalillo County): Equipment mechanic.....	5.60	.25	1%		1/2%	
WD No. AM-11,411-37 F.R. 7461, Apr. 14, 1972, Tulsa County, Okla., Modification No. 1						
CHANGE:						
Ironworkers: structural, ornamental, reinforcing.....	7.44	.20	\$0.25		\$0.04	
Lathers.....	5.875		.10		.01	
Sheet metal workers.....	7.24	.20	.40		.03	
Truckdrivers:						
Truckdrivers, including pickup, 1½ tons or 2½ yd. up to but not including 3 tons or 4 yd. such as dump trucks, flat beds, stake bodies or bus driver.....	5.58					
3 tons or 4 yd., up to but not including 4 tons or 6 yd.....	5.63					
5 tons or 6 yd. and over, including heavy equipment.....	5.73					
Truckdrivers' helpers.....	5.53					
Tractor-trailer and similar equipment.....	5.73					
WD No. AM-11,412-37 F.R. 7462, Apr. 14, 1972, Oklahoma County, Okla., Modification No. 1						
CHANGE:						
Ironworkers: Structural, ornamental, reinforcing.....	7.44	.20	.25		.04	
Sheet metal workers.....	6.35	.25	.15		.02	
Truckdrivers:						
Truckdrivers for heavy equipment, such as lowboys, heavy winch and floats.....	4.90					
Heavy earthmoving equipment such as Euclids, Mississippi wagons, 10 yd. and tail dumps.....	5.10					
Truckdrivers and swamper, such as dump trucks, flat beds, stake bodies, and ¼ and ½ ton pickup trucks.....	4.80					
WD No. AM-1603-36 F.R. 14600, Aug. 6, 1971, Bristol, Kent, and Providence Counties, R.I., Modification No. 4						
CHANGE:						
Building construction:						
Ironworkers:						
Structural, ornamental, reinforcing.....	7.70	.45	.85		.02	
Plumbers.....	8.55	.35	.35			
Roofers:						
Composition, waterproofers.....	7.85	.20	.25			
Slate, tile, precast concrete.....	8.05	.20	.25			
Helpers, class A.....	7.00	.20	.25			
Helpers, class B.....	6.45	.20	.25			
Steamfitters.....	8.40	.35	.60		.03	
Heavy, highway and marine construction:						
Waterproofers.....	7.85	.20	.25			
R.I.-1-PEO-3-O:						
Bridge (incidental to highway) and highway construction power equipment operator:						
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yd. and Economobile & Ross carriers.....	8.70	.40	.40			
Forklifts.....	8.05	.40	.40			
Firemen.....	7.25	.40	.40			
Oilers and apprentices.....	6.70	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yd, tractors.....	7.475	.40	.40			
Scrapers and graders and dozer operators.....	7.595	.40	.40			
Maintenance engineers.....	7.325	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps.....	7.475	.40	.40			
Test boring machine operators.....	6.745	.40	.40			
Well point installation crews.....	7.325	.40	.40			
Operators of truck cranes with booms:						
130 to 150 ft.....	9.20	.40	.40			
Over 150 ft.....	9.45	.40	.40			
Operators of cat cranes with booms:						
150 to 180 ft.....	9.20	.40	.40			
Over 180 ft.....	9.45	.40	.40			
WD No. AM-1604-36 F.R. 14605, Aug. 6, 1971, Newport County, R.I., Modification No. 4						
CHANGE:						
Building construction:						
Ironworkers:						
Structural, ornamental, reinforcing.....	7.70	.45	.85		.02	
Plumbers.....	8.55	.35	.35			
Roofers:						
Composition, waterproofers.....	7.85	.20	.25			
Slate, tile, precast concrete.....	8.05	.20	.25			
Helpers, Class A.....	7.00	.20	.25			
Helpers, Class B.....	6.45	.20	.25			
Steamfitters.....	8.40	.35	.60		.03	
Heavy, highway and marine construction:						
Waterproofers.....	7.85	.20	.25			



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
R.I.-1-PEO-3-O:						
Bridge (incidental to highway) and highway construction power equipment operator:						
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 to 4 yd. and Economobile and Ross carriers.	8.70	.40	.40			
Forklifts.	8.05	.40	.40			
Firemen.	7.25	.40	.40			
Oilers and apprentices.	6.70	.40	.40			
Bulldozers, spreaders, rollers, and front-end loaders, less than 3 yd., tractors.	7.475	.40	.40			
Scrapers and graders and dozer operators.	7.595	.40	.40			
Maintenance engineers.	7.325	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps.	7.475	.40	.40			
Test boring machine operators.	6.745	.40	.40			
Well point installation crews.	7.325	.40	.40			
Operators of truck cranes with booms:						
130 to 150 ft.	9.20	.40	.40			
Over 150 ft.	9.45	.40	.40			
Operators of cat cranes with botoms:						
150 to 180 ft.	9.20	.40	.40			
Over 180 ft.	9.45	.40	.40			
WD No. AM-1605-36 F.R. 14610, Aug. 6, 1971, Washington County, R.I., Modification No. 5						
CHANGE:						
Building construction:						
Electricians:						
Westerly Township	8.35	.40	1%+.20			1/2%
Ironworkers:						
Structural, ornamental, reinforcing	7.70	.45	\$0.85			\$0.02
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofer	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class A	7.00	.20	.25			
Helpers, Class B	6.45	.20	.25			
Steamfitters	8.40	.35	.60			.03
Heavy, highway and marine construction:						
Waterproofer	7.85	.20	.25			
R.I.-1-PEO-3-O:						
Bridge (incidental to highway) and highway construction power equipment operator:						
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yd. and Economobile and Ross carriers.	8.70	.40	.40			
Forklifts	8.05	.40	.40			
Firemen	7.25	.40	.40			
Oilers and apprentices	6.70	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yd., tractors	7.475	.40	.40			
Scrapers and graders and dozer operators	7.595	.40	.40			
Maintenance engineers	7.325	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps.	7.475	.40	.40			
Test boring machine operators	6.745	.40	.40			
Well point installation crews	7.325	.40	.40			
Operators of truck cranes with booms:						
130 to 150 ft.	9.20	.40	.40			
Over 150 ft.	9.45	.40	.40			
Operators of cat cranes with booms:						
150 to 180 ft.	9.20	.40	.40			
Over 180 ft.	9.45	.40	.40			
WD No. AM-11,415-37 F.R. 7464, Apr. 14, 1972, Galveston County, Tex., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters:						
Piledrivermen	6.35	.40	.22			
WD No. AM-11,415-37 F.R. 7931, Apr. 21, 1972, Jefferson and Orange Counties, Tex., Modification No. 1						
CHANGE:						
Bollermakers	6.50	.30	.40			.01
WD No. AM-9,690-37 F.R. 6140, Mar. 24, 1972, Statewide, W. Va., Modification No. 3						
CHANGE:						
Highway construction:						
Carpenters, A counties	6.44	.20	.25			.04
Piledrivers, A counties except Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties	6.71	.20	.25			.04
Heavy construction:						
Carpenters, A counties only	6.68	.20	.25			.04
Piledrivers, A counties except Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties	6.86	.20	.25			.04



## SUPERSEDES DECISIONS

State: Alabama; County: Jefferson.

Decision No. AM-8607; date: Apr. 28, 1972.

Supersedes Decision No. AM-442, dated Aug. 20, 1971, in 36 F.R. 16349.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	\$6.05	\$0.125	\$0.15			
Boilermakers	6.25	.30	.50		\$0.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers, pointers, caulkers, stonemasons	5.55		.25		.035	
Carpenters:						
Carpenters and soft floor layers	6.00	.25	.15		.04	
Millwrights	7.15				.04	
Piledrivermen	6.20	.25	.15		.04	
Cementmasons	6.21					
Electricians:						
Electricians	6.85	.25	1%		1%	
Cable splicers	7.10	.15	1%		1%	
Elevator constructors	6.04	.17	\$0.185	2%+a+b	.005	
Elevator constructors' helpers	4.23	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (probationary)	60% J.R.					
Glaziers	\$6.00	.20	.20		.01	
Ironworkers: Structural, ornamental, and reinforcing	7.15	.40	.22		.04	
Lathers	6.30		.10		.01	
Linemen:						
Linemen	4.65	.15	1%	\$0.15	.5%	
Groundmen under 1 yr.	2.25	.15	1%	.15	.5%	
Groundmen 1 yr. and over	2.60	.15	1%	.15	.5%	
Operator	3.85	.15	1%	.15	.5%	
Marble setters	5.65					
Marble, tile and terrazzo helpers	4.10					
Painters:						
Brush	6.35		\$0.25			
Structural steel and spray	6.85		.25			
Paperhangers	6.50		.25			
Plasterers	6.35					
Plumbers and pipefitters	7.60	.25	.25		.07	
Roofers	4.55		.20			
Roofers' helpers	3.40		.20			
Sheet metal workers	7.25	.20	.25		.02	
Sprinkler fitters	7.30	.25	.40		.05	
Tile setters, terrazzo workers	5.50					
Truckdrivers:						
Up to but not including 1½ tons	4.40					
1½ to but not including 3 tons	4.60					
3 tons to but not including 5 tons	4.85					
5 tons and over including special equipment	5.00					
Welders, riggers, riveters—receive rate prescribed for craft performing operation to which welders, riggers and riveters are 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. 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 yr. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yr.						
Power equipment operators: Building construction:						
Group A: Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane, derrick, dragline, dinky locomotive, dredges, forklift, front-end loader, Gradall, heavy-duty mechanic, hoist (1 drum or more), mixers, push tractor, Quarry Master, scrapers, shovels, trenching machine (and all similar equipment), winch trucks	6.35	.20	.20			
Group B: Air compressor (over 125), asphalt spreader, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor distributors (bituminous surface), farm tractors, finishing machine, pumps over 4 in., rollers, welding machine (4 or more)	6.15	.20	.20			
Group C: Air compressor (125 and under) apprentice engineer (oilers—firemen), conveyor (1, tended by oiler), mechanic helpers, pumps (under 4 in.), welding machines (3 or under)	5.50	.20	.20			
Group D: On steel erection: Crane, dragline, derrick, hoist operator, piledriver, winch truck, forklift	6.95	.20	.20			
Group E: Tractors, welding machines, gasoline driven (4 or more), 1 welding machine no operator, air compressors (1-125 or larger up to but not including 3)	6.00	.20	.20			
Group F: Gas or diesel welding machine (up to 4 tended by oiler), apprentice engineers (oilers—firemen)	5.00	.20	.20			
Highway, road, street and paving construction:						
Bricklayers	3.65					
Carpenters	3.77					
Carpenters' helper	2.70					
Concrete finisher	3.45					
Concrete finisher helper	2.70					
Concrete saw operator	2.45					
Grade checkers	2.70					
Ironworker, structural	5.79					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.20					
Ironworker helper, reinforcing	2.70					
Laborers:						
Air tool operator	2.45					
Asphalt raker	2.60					
Concrete laborer	2.45					
Unskilled	2.25					
Pipelayers	2.55					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Slide rail or form setter	2.88					
Wagon drill operator	2.55					
Painters	4.00					
Painter helpers	2.70					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truckdrivers:						
Under 1½-ton capacity	2.30					
Single-rear axle	2.55					
Multirear axle or heavy duty, off road, single axle	2.85					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						



## SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Highway, road, street and paving construction—Continued						
Power equipment operators:						
Air compressors	2.85					
Asphalt distributors	3.47					
Asphalt mixers and pug mills and batch plants	3.30					
Asphalt paving machines	3.30					
Asphalt plant driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull floats	3.15					
Concrete mixers (3 bags and under)	2.70					
Concrete mixers (over 3 bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machine	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoes, derricks, draglines, or shovels	3.55					
Conveyors	2.70					
Crush and screening plants	3.30					
Drilling machines	3.30					
Drilling machine helpers	2.70					
Elevating graders, Gradalls, or trenching machine	3.45					
Firemen	2.70					
Form graders	2.70					
Hoists (2-drum or 2 cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic helpers	2.77					
Motor Patrols	3.32					
Oilers and greasemen	2.92					
Paving subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	2.82					
Rollers, self-propelled (on asphalt bases and pavements)	3.30					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding and mulching machines	2.70					
Tractors and loaders:						
Farm rubber tired	2.74					
80 hp. or less—drawbar capacity	2.74					
Over 80 hp.	3.30					
Winch truck and A-frame	3.15					
Asphalt spreaders	3.47					
Stripping machines (paint)	2.70					
Mechanic helpers	2.77					

State: Florida; County: Bay.

Decision No. AM-9,695; date: Apr. 28, 1972.

Supersedes Decision No. AM-450, dated Aug. 20, 1971, in 38 F.R. 16364.

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
3-Florida H:						
Building construction:						
Asbestos workers	\$7.60	\$0.345	.60		\$0.02	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	5.00					
Carpenters	5.55	.15			.01	
Cementmasons	3.25					
Electricians and linemen (commercial)	5.70		1%			
Cable splicers (commercial)	5.95		1%			
Electricians and linemen (industrial)	7.20		1%			
Cable splicers (industrial)	7.55		1%			
Elevator constructors	6.72	.145	.17	1%+a&b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1%+a&b	.005	
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	\$3.25					
Ironworkers, structural and ornamental	7.13	.28	.25			
Ironworkers, reinforcing	7.13	.28	.25			
Lathers	4.64				.01	
Millwrights	5.45	.15			.01	
Painters:						
Commercial	3.60					
Industrial	4.50					
Sandblasting	4.90					
Spray—\$0.50 per hour above classification.						
Plumbers and steamfitters:						
Commercial and residential including Tyndall Air Force Base	4.50	.15	.15			
Plasterers	4.50					
Plumbers and pipefitters (industrial)	7.10	.30	.35	c	.02	
Roofers	6.45		.10	d		
Sheet metal workers	7.15	.30	.30		.01	
Soft floor layers	5.55	.15			.01	
Sprinkler fitters	7.64	.20	.30	\$0.05	.02	
Stonemasons	5.00					
Piledrivermen	5.80	.15			.01	
Marble setters	3.45					
Terrazzo workers	4.50					
Tile setters	4.50					
Tile setters' helpers	1.60					
Truckdrivers	1.60					
Riggers—receive rate prescribed for craft performing operation to which rigging is incidental.						
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
Riveters—receive rate prescribed for craft performing operation to which riveting is incidental.						



## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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% of regular rate to vacation pay credit for employee who has worked in business more than 5 yr. Employer contributes 2% of regular hourly rate for vacation pay credit for employee who has worked in business less than 5 yr.						
c. 3 paid holidays: Labor Day, Christmas Day, and Thanksgiving Day.						
d. 40-hour paid vacation after 1 yr. of employment.						
3-Fla. Lab H:						
Building construction:						
Laborers:						
Construction laborers, carpenters' tenders, building wreckers.....	3.25	.10				
90 lb. hammer, Gunite, pressure concrete worker nozzleman, gunmen, acid or creosote workers (work performed over 100 ft. high) except on inside wall-to-wall scaffolding).....	3.50	.10				
Form setter on streets, loads, and highways, burners for demolition or concrete, runways, and courts.....	3.75	.10				
Blasting and powderman; cofferdam and tunnel workers underground; caissons.....	4.25	.10				
Air tool operators, asphalt raker and tamper, concrete or clay pipelayers and wipers, mason tenders, plasterer tenders, concrete worker, track laborers (including preparation of track bed), roofer's helpers, single conveyors, kettlemen, well point workers, power buggy operators, building of scaffolding and staging for masons and plasterers.....	3.35	.10				
Florida 3 PEO:						
Building construction: Power equipment operators:						
Heavy equipment:						
Heavy-duty mechanic, crane shovel, derrick operator (2 or more drums), dragline pile-driver operator, hoist operator (2 or more drums), trenching machines, cableways, excavators, front-end loader, backhoe, rubber-tired backhoe, dredges, loberman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, Motor Patrol, pumperette machines, Gradalls, Johnson mixers, Hydro-Lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains.....	7.16	.28	.25			
Medium equipment:						
Dozer scraper, Turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, tugboats, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, forklift, well-point systems, subgraders, finishing machines, motorized compactors, wagnobiles and push carts.....	6.90	.28	.25			
Light equipment:						
Light plants, generators, welding machines, air compressors, pumps, conveyors, motorboats under 30 ft., tow tractors and piledriver hammers (diesel, gas, air, or electric).....	6.41	.28	.25			
Fuel truck oilers, fireman-brakeman, outboard motorboats, truck crane oiler and mechanic helpers.....	5.76	.28	.25			
Oilers (crawler), deck hand and oiler cherry picker.....	5.50	.28	.25			
117-Florida F:						
Heavy and highway construction:						
Carpenters.....	2.85					
Concrete finishers.....	2.80					
Ironworkers, structural.....	3.10					
Ironworkers, reinforcing.....	2.85					
Laborers:						
Laborers.....	1.60					
Pipelayers.....	1.60					
Asphalt raker.....	1.60					
Concrete saw operator.....	1.60					
Concrete worker.....	1.60					
Bin (scale) operator.....	1.60					
Curing machine operator.....	1.60					
Fence erector (chain-link type).....	1.70					
Plumbers.....	3.25					
Power equipment operators:						
Air compressors.....	1.60					
Blade graders.....	1.82					
Bulldozers.....	1.60					
Cranes, derricks, draglines.....	1.75					
Distributors.....	1.60					
Finishing machines.....	1.75					
Firemen, oilers.....	1.60					
Mechanics.....	1.82					
Mechanics' helpers.....	1.60					
Mixers.....	1.60					
Motor graders.....	1.82					
Pumps.....	1.60					
Rollers (finish).....	1.60					
Rollers, (self-propelled), rubber tired.....	1.60					
Scrapers.....	1.60					
Shovels.....	1.75					
Tractors, light, rubber tired.....	1.60					
Asphalt paving machine.....	1.60					
Front-end operator.....	1.75					
Paving machine operator.....	2.25					
Trenching machine.....	1.75					
Truckdrivers:						
Single-rear axle.....	1.60					
Multi-rear axle.....	1.75					



## SUPERSEDES DECISIONS—Continued

State: Florida; county: Alachua.

Decision No.: AM-9,696; date: Apr. 28, 1972.

Supersedes Decision No. AM-449, dated Aug. 20, 1971, in 36 F.R. 16360.

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
1 Florida-1-L:						
Building construction:						
Asbestos workers	\$5.93	\$0.25	\$0.15	\$0.25		
Boilermakers	6.25	.30	.50		\$0.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	6.75					
Carpenters	5.95	.29	.20	.15	.02	
Millwrights	6.74	.29	.15	.15	.02	
Piledrivermen	5.95	.29	.20	.15	.02	
Cementmasons	5.85	.15			.02	
Electricians:						
Wiremen	6.35	.25	1%		1%	
Cable splicers	6.80	.25	1%		1%	
Elevator constructors	6.17	.17	\$0.185	2%+a&b	\$0.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	\$6.85				.01	
Ironworkers, structural and ornamental	6.80	.27	.15			
Ironworkers, reinforcing	6.80	.27	.15			
Laborers:						
Air tool operator	3.10	.15				
Mortar mixers	3.10	.15				
Unskilled	3.00	.15				
Pipelayers (concrete and clay)	3.10	.15				
Lathers	5.50				.01	
Painters:						
Brush	5.65					
Paperhangers	6.10					
Structural steel	6.40					
Spray	6.15					
Sandblasting	6.15					
Roller	6.15					
Swing stage	6.40					
Boatswain's chair	6.40					
Plasterers	6.25					
Plumbers	7.55	.15	.25		.05	
Line construction:						
Linemen	6.10	.15	1%		1%	
Cable splicers	6.30	.15	1%		1%	
Cable splicers assistant	6.10	.15	1%		1%	
Winch truck operator	4.83	.15	1%		1%	
Heavy equipment operator	5.85	.15	1%		1%	
Flat-bed pickup driver	4.23	.15	1%		1%	
Groundman 1 yr. and over	3.48	.15	1%		1%	
Roofers:						
Sheet metal workers	6.15	.20				
Soft floor layers	5.55	.20	\$0.25	\$0.20	\$0.025	
Sprinkler fitters	5.95	.29	.20	.15	.02	
Steamfitters	7.64	.20	.30	.05	.02	
Stonemasons	7.55	.15	.10		.05	
Acoustical workers	6.75					
Lead burners	5.59	.29	.15	.15	.02	
Truckdrivers	6.90	.30		c	.01	
Roofers' helpers and kettlemen	1.60					
Tile setters, marble setters	3.38	.20				
Terrazzo workers	6.20	.15				
Welders—receive rate prescribed for craft performing operation to which welding is incidental.	6.20	.15				
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% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 yr. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yr.						
c. 9 paid holidays, A through F plus Christmas Eve, Washington's Birthday, 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.						
Florida 1-PEO R:						
Building construction:						
Power equipment operators:						
Cranes, derricks, clamshells, draglines, piledriver (including auger and boring machine for drilling in piling), backhoes, hydra cranes, gradall, shovels, patrols, cableways, tug-boat captain (160 hp. or more), multibowl operator (similar to R.G. LaTourneau Model L-60-2 or 3 20 cu. yd. scrapers), front-end loaders (over 4 cu. yd. capacity), side boom cats multidrum hoist (for rigging), mechanic (heavy equipment), tower crane (stationary), climbing and traveling), gantry cranes, locomotive cranes, bridge cranes (over 20-ton capacity), concrete pump with boom (mobile), highlift or forklift (second floor and higher) Locomotive engineer (jobs not covered by railroad unions)	6.66	.25	.20		\$0.02	
Bulldozers, bridge cranes (20 tons and under), highlift or forklift (up to 2d floor), straddle buggies, hoists (other than rigging) including winch truck not mobile and used as a hoist, front-end loader (over 2 cu. yd. and up to and including, 4 cu. yd. capacity), trenching machine (ladder and wheel type) over 6-ft. cut and over 24-in. width, concrete paver and scrapers	5.70	.25	.20		.02	
Concrete pumps, front-end loader (2 cu. yd. or less not used as hoist), mobile winch trucks, self-propelled subgrader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines	4.94	.25	.20		.02	
Tractor operated sweeper, trenching machine (ladder and wheel-type maximum cut 6 ft. and maximum width 24 in.), firemen, self-propelled rollers, well point pump, asphalt distributor, water-truck driver, motorboat operator, oiler, mechanics' helpers, pumpman (other than well point up to and including, 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor and combustion-type welding machine	4.03	.25	.20		.02	



## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Florida 104 C:						
Heavy and highway construction:						
Bricklayers	1.75					
Carpenters	2.25					
Carpenters' helpers	1.60					
Concrete finisher	2.00					
Concrete finisher helper	1.60					
Laborers:						
Unskilled	1.60					
Pipelayers	2.00					
Truckdriver	1.60					
Welder	1.75					
Power equipment operators:						
Asphalt distributor	1.75					
Asphalt mixer	1.75					
Asphalt paving machine	1.80					
Asphalt plant	1.75					
Asphalt plant drier	1.75					
Bulldozer	2.75					
Cranes, derricks, and draglines	2.495					
Earthmover, heavy rubber tired	1.75					
Finishing machine	1.82					
Front end loader	1.75					
Mechanic	1.75					
Motor grader	2.00					
Oilier	2.025					
Pavement striping machine	1.75					
Roller	1.75					
Scraper	1.75					
Shovels, backhoe	2.825					
Tractor	1.75					
Trenching machine	2.38					

State: Florida; county: Duval.

Decision No. AM-9,697; date: Apr. 28, 1972.

Supersedes Decision No. AM-454, dated Aug. 20, 1971, in 36 F.R. 16377.

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
16-Fla-1-O:						
Building construction:						
Asbestos workers	\$5.93	\$0.25	\$0.15	\$0.25		
Boilermakers—blacksmiths	6.25	.30	.50		\$0.01	
Boilermakers—blacksmiths' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	6.20	.25	.10	.18	.02	
Stonemasons	6.20	.25	.10	.18	.02	
Tile setters	4.90	.15	.20		.02	
Marblemasons	4.90	.15	.20		.02	
Terrazzo workers	4.90	.15	.20		.02	
Carpenters:						
Carpenters	5.95	.29	.20	.15	.02	
Millwrights	6.74	.29	.15		.02	
Piledrivermen	5.95	.29	.30	.15	.02	
Soft floor layers	5.95	.29	.20	.15	.02	
Acoustical workers	5.59	.29	.15	.15	.02	
Cementmasons						
Electricians	5.49					
Electricians	7.25	.25	1%	4%	1%	
Linemen:						
Linemen	6.30	.25	1%		1/4 of 1%	
Cable splicers	6.50	.25	1%		1/4 of 1%	
Heavy equipment operators	6.30	.25	1%		1/4 of 1%	
Winch truck operators	4.93	.25	1%		1/4 of 1%	
Groundman truck driver	3.70	.25	1%		1/4 of 1%	
Groundman 1st class	3.40	.25	1%		1/4 of 1%	
Groundman 2d class	3.12	.25	1%		1/4 of 1%	
Elevator constructors	6.17	.17	\$0.185	2%+a&b	\$0.005	
Elevators constructors' helpers	70% J.R.	.17	.185	2%+a&b	.005	
Elevators constructors' helpers (probationary)	50% J.R.					
Glaziers	\$6.85					.01
Ironworkers: Structural, ornamental, reinforcing						
Laborers	6.80	.27	.15			
Laborers:						
Laborers	3.46					
Mechanical tool, power buggy, pipelayers and Gunite workers	3.66					
Mason tenders, mortar mixers and grouters	3.76					
Gunite nozzlemen	3.91					
Highway formsetters	4.06					
Lathers	5.51		.10		.015	
Painters:						
Painters, brush	5.70	.15	.15			
Spray	6.225	.15	.15			
Swing stage	6.225	.15	.15			
Structural steel erected	6.225	.15	.15			
Smokestacks, steeples, flagpoles, tanks on legs above 15 ft., radio towers and lighthouses	6.085	.15	.15			
Sandblasters	6.225	.15	.15			
Bridge	6.085	.15	.15			
Lead burners	6.90	.30		d	.01	
Duval County only: Sound and communications technicians	2.95		1%	c		
Plasterers	5.86				.015	
Plumbers:						
Plumbers and steamfitters	7.75	.25	.30		.06	
Air conditioning and speculative housing and refrigeration service	6.20	.25	.30		.06	
Roofers	6.15	.20				
Roofers' helpers and kettlemen	3.38	.20				
Sheet metal workers	5.55	.20	.25	\$0.20	.025	



## SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>16-Fla-O—Continued</b>						
Building construction—Continued						
Sprinkler fitters	7.64	.20	.30	.05	.02	
Truckdrivers	1.60					
Well drillers	1.60					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.	1.60					
<b>Footnotes:</b>						
a. 6 paid 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 yr. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yr.						
c. 12 mo. service—1 week vacation; 2 yr. service—2 weeks.						
d. 9 paid holidays, A through F plus Christmas Eve, Washington's Birthday, 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 before and after the holiday.						
<b>Paid holidays (where applicable):</b> A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
<b>Florida 1-PEO R:</b>						
Building construction:						
Power equipment operators:						
Cranes, derricks, clamshells, draglines, piledriver (including auger and boring machine for drilling in piling), backhoes, hydra cranes, Gradall, shovels, patrols, cableways, tugboat captain (150 hp. or more), multibowl operator (similar to R. G. LaTourneau Model L-60-2 or 320 cu. yd. scrapers), front-end loaders (over 4 cu. yd. capacity), side boom cats, multidrum hoist (for rigging), mechanic (heavy equipment), tower crane (stationary, climbing and traveling), gantry cranes, locomotive cranes, bridge cranes (over 20-ton capacity), concrete pump with boom (mobile), highlift or forklift (second floor and higher), locomotive engineer (jobs not covered by railroad unions)	6.66	.25	.20		.02	
Bulldozers, bridge cranes (20 tons and under), highlift or forklift (up to 2d floor), straddle buggies, hoists (other than rigging), including winch truck not mobile and used as a hoist, front-end loader (over 2 cu. yd. and up to and including, 4 cu. yd. capacity), trenching machine (ladder and wheel type) over 6-ft. cut and over 24-in. width, concrete paver and scrapers	5.70	.25	.20		.02	
Concrete pumps, front-end loader (2 cu. yd. or less not used as hoist), mobile winch trucks, self-propelled subgrader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant pavement breakers), street sweeping machines	4.94	.25	.20		.02	
Tractor operated sweeper, trenching machine (ladder and wheel type maximum cut 6 ft. and maximum width 24 in.), firemen, self-propelled rollers, well-point pump, asphalt distributor, water-truck driver, motorboat operator, other, mechanics' helpers, pumpman (other than well point up to and including, 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor and combustion-type welding machine	4.03	.25	.20		.02	
<b>13-Florida-N:</b>						
Heavy and highway construction:						
Bricklayers	2.275					
Carpenters (heavy construction)	4.64	.19	.15	.15	.02	
Carpenters (highway construction)	2.85					
Concrete finishers	2.00					
Ironworkers, reinforcing	3.00					
<b>Laborers:</b>						
Laborers	1.60					
Air tool operator (jackhammer, vibrator)	1.60					
Pipelayers	1.60					
Painters, brush and spray	2.625					
Plumbers	3.80					
Roofers	3.00					
Sheet metal workers	3.30					
<b>Power equipment operators:</b>						
Air compressors	1.60					
Asphalt rakers	1.60					
Bulldozers	2.00					
Concrete joint saw operator	1.60					
Concrete finishing machine	1.75					
Cranes, derricks, draglines	2.49					
Distributors, asphalt	1.60					
End loaders	1.60					
Finishing machines, asphalt	1.60					
Firemen	2.10					
Form setters	1.60					
Mechanic	2.50					
Mixers, asphalt	1.60					
Motor graders	2.50					
Oilers	1.60					
Piledrivers	2.85					
Piledrivers, leadsmen	2.75					
Pumps	2.15					
Rollers	1.60					
Roller, finish	1.60					
Scrapers	1.60					
Shovels	2.21					
Tractors, over 80 hp.	1.65					
Tractors, light rubber tired	1.60					
Trenching machine	1.60					
Welders	1.60					
Earthmovers, heavy rubber tired	2.00					
Truckdrivers	1.60					



## SUPERSEDEAS DECISIONS—Continued

State: Georgia; Counties: Fulton, Cobb, and De Kalb.

Decision No. AM-8606; date: Apr. 28, 1972.

Supersedes Decision No. AM-469, dated Aug. 20, 1971, in 36 F.R. 16413.

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>						
Asbestos workers.....	\$6.95	\$0.30	.15		.01	
Boilermakers.....	6.25	.30	.50		.01	
Boilermakers' helpers.....	6.00	.30	.50		.01	
<b>Bricklayers:</b>						
Bricklayers.....	5.40	.15	.20			
Stonemasons.....	5.40	.15	.20			
Marblemasons.....	5.40	.15	.20			
Terrazzo workers.....	5.40	.15	.20			
Tile setters.....	5.40	.15	.20			
<b>Carpenters:</b>						
Carpenters and soft floor layers.....	7.15	.35	.30		.015	
Millwrights.....	7.15					
Pile-drivers.....	7.30	.35	.30		.015	
<b>Cementmasons:</b>						
Cementmasons.....	4.10					
Electricians.....	8.40	4%	6%		25%	
Elevator constructors.....	6.62	\$0.17	.185	2%+a+b	.005	
Elevator constructors' helpers.....	70% J.R.	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (probationary).....	50% J.R.					
Glaziers.....	\$5.15	.15	.10	.10	.01	
Ironworkers: Structural, ornamental, and reinforcing.....	6.40	.40	.27		.05	
Lathers.....	6.60	.20	.10	.50	.04	
Lead burners.....	6.90	.30		c	.01	
<b>Painters:</b>						
Brush.....	7.05	.15	.25		.03	
Spray and sandblasting.....	8.05	.15	.25		.03	
Steel.....	8.05	.15	.25		.03	
<b>Plasterers:</b>						
Plasterers.....	4.50					
Plumbers and steamfitters.....	7.35	.35	.35		.03	
<b>Roofers:</b>						
Roofers and weatherproofers.....	5.35	.20	.15			
State, tile, asbestos shingles.....	5.60	.20	.15			
Helpers.....	4.07	.20	.15			
<b>Sheet metal workers:</b>						
Sprinkler fitters.....	7.75	.20	.25		.03	
Terrazzo workers' helpers.....	7.30	.25	.40		.05	
Tile and marble setters' helpers.....	4.15					
<b>Truck drivers:</b>						
To and including 2½ tons.....	3.60					
Farm tractors.....	3.60					
Over 2½ tons including 5 tons, lowboys and trailers.....	3.70					
Over 5 tons including 10 tons.....	3.95					
Euclids over 10 tons.....	4.00					
<b>Welders—receive rate prescribed for craft performing operation to which welding is incidental.</b>						
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% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 yr. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yr.						
c. Holidays: A through F; Washington's Birthday 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.						
<b>Building construction:</b>						
<b>Laborers:</b>						
Batch plant men, buggy rollers (Georgia), cleaners (brick or lumber), clearing of right-of-way and building site (hand tools), concrete curer-sealer and liquid hardener, conveyor operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe doper, precast slab layer (floors, roofs, walks, curbs), concrete puddlers, rail porter, railroad track laborer, reinforcing steel handler, scaffolds, and staging for masons and plasterers, erecting and removing scarfifier, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual).....	4.35	.15	.10			
Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.....	4.47	.15	.10			
Burner-demolition, chain saw operator, power concrete-saw operator, steel form setter, sewer-pipe layer, yarner, wiper, potman, slip form raiser (steel or wood) jack or screw type.....	4.57	.15	.10			
Wagon drill operator (track or wheel type), and like used in drilling for blasting.....	4.65	.15	.10			
Powderman-helper.....	4.85	.15	.10			
Powderman, nozzleman (concrete pneumatic).....	5.25	.15	.10			
Caisson holeman.....	5.10	.15	.10			
\$0.25 above rate for classification working: Chimney or Stacks isolated.						
<b>Power equipment operators:</b>						
Group A: Backhoe operator; clamshell operator; concrete mix operator, Cent. mix plant; concrete pump operator—Ridley or similar type; crane operator (truck, tower, crawler, or locomotive); derrick operator; dragline operator; drill operator—Caisson foundation type; elevating grader operator; forklift operator that comes within the jurisdiction of the operating engineers; hoisting engine operator; locomotive operator; mechanics—heavy duty; oilers on cranes with earth boring drill attached with a separate power source; concrete paving mixer operator; piledriver operator; rock crusher operator; shovel operator; trenching machine operator over 6 ft. depth capacity; well-point system operator (including the operation of all pumps on project operated by the contractor); generator operator—75 kv.-a. and over; tugger hoist operator; winch truck operator, hoisting material; air compressor operator, 365 c.f.m. and over, furnishing air simultaneously for more than 1 contractor.....	6.75	.20	.15		.07	
Group B: Bulldozer operator; dozer shovel operator; drill operator—Quarry Master type; fireman—stationary or portable; motor grader operator; motor scraper operator (pans); pusher-doz operator; self-propelled compactor operator, with blade; tractor operator with special equipment; trenching machine operator—up to and including 6 ft. depth capacity.....	6.23	.20	.15		.07	
Group C: Air compressor operator, 600 cu. ft. and over; air compressor operator batteries of 2, 300 cu. ft. and over; hydro hammer operator; concrete batch plant operator.....	5.38	.20	.15		.07	
Group D: Oiler—truck or locomotive cranes.....	5.53	.20	.15		.07	
Group E: Oiler—unspecified; pump operator, over 4 in., up to batteries of 4; welding machine operator, batteries of 2—300 a. and over.....	4.83	.20	.15		.07	
Group F: Concrete mixer operator, skip types, except paving mixers; concrete finishing machine operator; concrete paving machine operator; roller operator; well drill operator.....	5.18	.20	.15		.07	



## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Heavy and highway construction:						
Bricklayers	\$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel and bridge	2.50					
Power equipment operators:						
Air compressors	1.60					
Asphalt distributors—spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, and draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor Patrols	2.73					
Others—greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truckdrivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					
Hydraulic dredges 20 in. and over:						
Leverman and engineer	\$4.64	\$0.25	\$0.15			
Mate	4.06	.25	.15			
Welder	4.23	.25	.15			
Derrick operator	4.43	.25	.15			
Spill barge operator	4.30	.25	.15			
Spider barge operator	4.30	.25	.15			
Tug master	4.01	.25	.15			
Tug mate	3.77	.25	.15			
Carpenter	4.40	.25	.15			
Electricians	4.52	.25	.15			
Machinist	4.35	.25	.15			
Steward	3.34	.25	.15			
Oiler and fireman	3.21	.25	.15			
Deckhand, tug deckhand	2.91	.25	.15			
Shoreman	2.83	.25	.15			
Second cook	2.91	.25	.15			
Messman	2.83	.25	.15			
Hydraulic dredges under 20 in.:						
Leverman	4.19	.25	.15			
First engineer	3.93	.25	.15			
Second engineer	3.81	.25	.15			
Third engineer	3.69	.25	.15			
Welder	4.01	.25	.15			
Mate	3.43	.25	.15			
Oiler and fireman	3.15	.25	.15			
Deckhand	2.91	.25	.15			
Launchman	3.21	.25	.15			
Shoreman	2.83	.25	.15			
Spill and spider barge operators	3.55	.25	.15			
Cook	3.15	.25	.15			
Mess cook	2.89	.25	.15			
Messman and janitor	2.80	.25	.15			
Dipper and clamshell dredges:						
Operator	4.52	.25	.15			
Craneman	4.40	.25	.15			
First engineer	3.77	.25	.15			
Second engineer	3.66	.25	.15			
Third engineer	3.43	.25	.15			
Welder	4.01	.25	.15			
Mate	3.72	.25	.15			
Fireman	3.20	.25	.15			
Deckhand	2.91	.25	.15			
Launchman	3.21	.25	.15			
Scowman	2.98	.25	.15			
Tug master	4.12	.25	.15			
Mate	3.53	.25	.15			
Engineer	4.12	.25	.15			
Assistant engineer	3.72	.25	.15			
Deckhand	2.86	.25	.15			

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, plus 5% of straight time pay.



## SUPERSEDES DECISIONS—Continued

State: Michigan; county: Kent.

Decision No. AM-8608; date: May 5, 1972.

Supersedes Decision No. AM-386, dated Aug. 18, 1972, in 36 F.R. 15194.

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
41-Michigan D:						
Building and heavy construction:						
Asbestos workers	\$7.95	\$0.44	\$0.95		\$0.01	
Boilermakers	7.98	.50	1.00	\$1.00	.01	
Bricklayers	5.95					
Carpenters	5.90					
Cementmasons	5.20					
Electricians	5.71					
Elevator constructors	7.18	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% J.R.	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (probationary)	50% J.R.					
Glaziers	\$4.75					
Ironworkers, structural and ornamental	7.65	.50	.50		.02	
Ironworkers, reinforcing	5.25					
Laborers	4.43					
Lathers	6.10				.01	
Lead burners	6.35	.25		c	.01	
Marble setters	6.50	.20	.25			
Marble setters' helpers	5.61	.30	.20			
Millwrights	7.75	.35	.40		.01	
Painters: brush	6.10	.25	.20		.005	
Swing stage, window jack	6.35	.25	.20		.005	
Spray and pressure roller	6.35	.25	.20		.005	
Paperhangers	6.35	.25	.20		.005	
Steam cleaning and sandblasting	6.35	.25	.20		.005	
Bridge work, over railroads and highways	6.10	.25	.20		.005	
Piledrivermen	6.45	.25	.20		.01	
Plasterers	5.25	.15	.12		.02	
Plumbers	7.06					
Roofers	4.25					
Sheet metal workers	7.00	d+.36	.30	\$0.43		
Soft floor layers	6.55	.35	.40			
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.06					
Stonemasons	5.95					
Terrazzo workers	5.90	.20	.25			
Terrazzo workers' helpers	5.61	.30	.20			
Tile setters	5.90	.20	.25			
Tile setters' helpers	5.61	.30	.20			
Truckdrivers	4.50					
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% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 yr. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yr.						
c. Eight 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. \$5 per month for life insurance.						
Michigan 3-PEO J:						
Building and heavy construction:						
Power equipment operators:						
Crane with main boom and jib 220 ft. or longer	8.95	.40	.40		.05	
Crane with main boom and jib 140 ft. or longer, to 220 ft.	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6 in. or over, well points and freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6 in.	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	
Michigan 6-PEO R:						
Steel erection:						
Power equipment operators:						
Crane with main boom and jib 220 ft. or longer	9.30	.40	.40		.05	
Crane with main boom and jib 140 ft. or longer, to 220 ft.	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6 in. or over, well points and freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyor, pump under 6 in.	7.85	.40	.40		.05	
Oiler, firemen, and greaser	6.50	.40	.40		.05	
Michigan Line Construction 1 I:						
Line construction:						
Linemen	6.26	.15	1%		1/4 of 1%	
Combination digger operator, groundman, or tractor operator	4.91	.15	1%		1/4 of 1%	
Combination winch-truck driver—groundman:						
1st year	3.64	.15	1%		1/4 of 1%	
Over 1 yr.	4.14	.15	1%		1/4 of 1%	
Combination truckdriver—groundman	3.28	.15	1%		1/4 of 1%	
Cable splicer	6.50	.15	1%		1/4 of 1%	
Groundman	3.53	.15	1%		1/4 of 1%	
Linemen (nonclimbing)	4.66	.15	1%		1/4 of 1%	
Light equipment operator—groundman	4.33	.15	1%		1/4 of 1%	
Distribution line truckdriver operator—groundman	4.33	.15	1%		1/4 of 1%	
Michigan 8 PEO H:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type, or pilledriving), dragline, backhoe, clamshell, trencher (over 8 ft. digging capacity), mechanic, end loader (over 1 1/2 cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9-ft. blade and over), concrete paver (2-drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	.40	\$0.45		\$0.05	
Trencher (8 ft. digging capacity and smaller), end loader (1 1/2 cu. yd. capacity and smaller), dozer (less than 9 ft. blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6-in. discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing-type boom), tractor (pneu-tired, other than backhoe or front-end loader), crusher	8.61	.40	.45		.05	



## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Michigan 8 PEO H—Continued</b>						
<b>Underground construction—Continued</b>						
<b>Power equipment operators—Continued</b>						
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4 in. up to 6 in. discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4 in. discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6 ft. wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oilier and firemen	7.31	.40	.45			
<b>Michigan 3-F:</b>						
<b>Sign installers:</b>						
Zone 1: Wayne, Monroe, Washtenaw, Oakland, Macomb, and Genesee Counties:	4.42					
Sign installer, class A	3.60					
Sign installer, class B						
Zone 2: Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the counties included in Zone 1, and all the counties in the Upper Peninsula of the State of Michigan:						
Sign installer, class A	3.99					
Sign installer, class B	3.22					
<b>12-Mich. 3-Z:</b>						
Highway, bridge, airport (exclusive of buildings), and sewer construction:						
Cementmasons (Saginaw and Livingston counties)	6.76	.15	.10			
Cementmasons (remainder of counties)	6.50	.15	.10			
<b>Laborers:</b>						
Line—form sett. r for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottomman, powderman, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete padder, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, topman, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yardmen, guard fence builder's helper, dumper (wagon), truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
<b>Power equipment operators:</b>						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piledrivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), end loaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6-in. discharge or over, gas, diesel powered, or generator of 300 a. 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), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self propelled), screening plants, washing plants, washing plants crushers, backhoes (with ¾ yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oilier, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled line grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, end loaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6-in. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
<b>Truck drivers (remainder of counties):</b>						
Trucks, less than 8 cu. yd.	6.54	a	b	\$0.15		
Trucks, over 8 cu. yd.	6.64	a	b	.15		
Trucks, Euclid-type equipment	6.69	a	b	.15		
<b>Truckdrivers (Lapeer, St. Clair, Livingston, and Lenawee Counties):</b>						
Trucks, less than 8 cu. yd.	6.64	a	b	.15		
Trucks, over 8 cu. yd.	6.74	a	b	.15		
Trucks, Euclid-type equipment	6.89	a	b	.15		

## Footnotes:

- a. \$14.50 per week, per employee.  
b. \$12 per week, per employee.

[FR Doc.72-6714 Filed 5-4-72;8:45 am]



# NATIONAL SCIENCE FOUNDATION

## CERTAIN MATERIALS RELATING TO INSTRUMENTATION FOR ENVIRONMENTAL MONITORING

### Notice of Availability

The National Science Foundation has engaged the Environmental Instrumentation Group of the Lawrence Berkeley Laboratory (formerly Lawrence Radiation Laboratory) to conduct a survey of instrumentation for environmental monitoring. Instruments being investigated are those useful for measurements of Air, Water, Radiation, and Biomedicine related to environmental research and monitoring. Consideration is given to instruments and techniques presently in use and to those developed for other purposes but having possible applications to this work. The results of the Survey include descriptions of the physical and operating characteristics of available instruments, critical comparisons among instrumentation methods and recommendations for the development of new instruments, and of promising methodology. The survey material is compiled in four looseleaf volumes which will be periodically updated.

Instrumentation for Environmental Monitoring Air, Lawrence Berkeley Laboratory report LBL-1, volume 1, will be available April 1972 from the Technical Information Division, Lawrence Berkeley Laboratory, University of California, Berkeley, CA 94720, at a cost of \$7 per volume, postage paid. Volume 1 as initially issued cover sulfur dioxide monitoring; additional sections on oxides of nitrogen, photochemical oxidants, mercury, lead, beryllium, and asbestos will be issued during the year. The price includes the cost of additional sections that will be issued through June 30, 1973.

Instrumentation for Environmental Monitoring Water, Lawrence Berkeley Laboratory report LBL-1, volume 2, is expected to be available in late 1972.

Instrumentation for Environmental Monitoring Radiation, Lawrence Berkeley Laboratory report LBL-1, volume 3, will be available April 1972 from the Technical Information Division, Lawrence Berkeley Laboratory, University of California, Berkeley, CA 94720, at a cost of \$7 per volume, postage paid. Volume 3 as initially issued covers ionizing radiation: Accelerators, calibration methods, gamma, X radiation, neutrons; nonionizing radiation: Microwaves, lasers and ultraviolet. Additional sections on reactors, dosimeters, radionuclides, and infrared will be issued during the year. The price includes the cost of additional sections that will be issued through June 30, 1973.

Instrumentation for Environmental Monitoring, Biomedicine, Lawrence Berkeley Laboratory report LBL-1, volume 4, is expected to be available in late 1972.

Dated: April 26, 1972.

H. GUYFORD STEVER,  
Director.

[FR Doc.72-6879 Filed 5-4-72; 8:48 am]

# SECURITIES AND EXCHANGE COMMISSION

[812-2491; 812-3019]

## CARTER GROUP, INC., AND UTILITIES AND INDUSTRIES CORP.

### Order Extending Time To Request Hearing on Applications for Orders

MAY 3, 1972.

The Commission, having previously issued Consolidated notices (Investment Company Act Release Nos. 7041 and 7109) that The Carter Group, Inc., 425 Park Avenue, New York, NY 10022 (Carter Group), a Delaware corporation, and Utilities & Industries Corp., 425 Park Avenue, New York, NY 10022 (U & I), a New York corporation (collectively referred to hereinafter as "Applicants") had each filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order declaring each of the respective Applicants to be primarily engaged in a business or businesses other than the business of an investment company; and interested persons previously having been given extensions until 5:30 p.m. on May 5, 1972 to request a hearing on said applications; and it appearing that the time in which an interested person may request a hearing should be extended until May 10, 1972.

It is ordered, That the time for submitting requests for a hearing on the aforementioned applications be, and is hereby extended to, May 10, 1972 at 5:30 p.m.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-6986 Filed 5-4-72; 8:58 am]

[File 500-1]

## HOLLYWOOD INTERNATIONAL STUDIOS, INC.

### Order Suspending Trading

APRIL 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Hollywood International Studios, Inc., 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 3:30 p.m., e.s.t., on April 28, 1972, through May 7, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-6881 Filed 5-4-72; 8:48 am]

[811-2054]

## POP INVESTMENT FUND

### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 1, 1972.

Notice is hereby given that POP Investment Fund (Applicant), care of William F. Drake, Esq., Alco Standard Corp., Valley Forge, Pa., 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 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on March 27, 1970, by filing a notification of registration on Form N-8A. Applicant's registration statement on Form S-4 under the Securities Act of 1933 was filed on March 27, 1970, and was ordered withdrawn on April 26, 1972.

Applicant states that it presently has no securityholders and has no intention of offering its securities to the public. Applicant contends that as of February 1, 1972, its sole assets consisted of subscriptions from 10 officers and directors of Applicant for 290 shares, of applicant's common stock. In addition, applicant states that Alco Standard Corp. (Alco) has agreed to assume all of its expenses and liabilities. Applicant was formed as an employees' securities company for the executive employees of Alco.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 19, 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 issue, 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 applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than 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.72-6880 Filed 5-4-72; 8:48 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-172]

### REGIONAL ADMINISTRATORS ET AL.

#### Redelegation of Authority

**SECTION A. Authority redelegated.** Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, HUD-FHA Insuring Office Director and HUD-FHA Insuring Office Deputy Director is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under sections 101(e) and 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701w and 1701(a)) and section 237(e) of the National Housing Act (12 U.S.C. 1715z-2(e)), to provide or contract with public or private organizations to provide information, advice, and technical assistance, including but not limited to counseling on household management, self-help, budgeting, money management, child care, and related counseling services.

**SEC. B. Authority excepted.** There is excepted from the authority redelegated under section A the power to:

1. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).
2. Sue and be sued.
3. Issue rule and regulations.

(Secretary's delegation of authority to redelegate published at 36 F.R. 5005, Mar. 16, 1971)

**Effective date.** This redelegation of authority is effective as of March 2, 1972.

NORMAN V. WATSON,  
Assistant Secretary  
for Housing Management.

[FR Doc.72-6861 Filed 5-4-72; 8:47 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

MAY 2, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument ap-

pear 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 136125, Southeast Trucking, Inc., now being assigned hearing May 22, 1972, in room 305, 1252 West Peachtree Street NW., Atlanta, GA (1 day).

MC 126612 Sub 3, Salvatore Giarraputo contract carrier application, now being assigned hearing May 31, 1972 (1 day), in room E-2222, 26 Federal Plaza, New York, NY.

MC 134892, Classic Furniture Transfer, Inc., now being assigned hearing June 1, 1972 (2 days), in room E-2222, 26 Federal Plaza, New York, NY.

MC 72423 Sub 3, R. D. Hounshell, doing business as Sterling Transfer Co., now being assigned hearing July 17, 1972, in a hearing room later to be designated, at Denver, Colo. (5 days).

MC-F-11252, IML Freight, Inc.—Purchase (Portion)—Michigan Express, Inc., and FD 26969, IML Freight, Inc., notes, now being assigned hearing June 12, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 484, Pre-Fab Transit Co., now being assigned continued hearing July 6, 1972 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 70947 Sub 24, Mt. Hood Stages, Inc., doing business as Pacific Trailways, now being assigned hearing July 17, 1972 (1 week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 112123 Sub 9, Best-Way Transportation, now being assigned hearing July 24, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC 107839 Sub 135, Denver-Albuquerque Motor Transport, Inc., now being assigned hearing July 10, 1972 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 29120 Sub 133, All-American Transport, Inc., now being assigned hearing July 10, 1972, at Des Moines, Iowa, in a hearing room to be later designated (5 days).

MC 107299, Roberts Cartage Co. (petition for modification), now being assigned hearing May 15, 1972, in room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL (1 week).

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6898 Filed 5-4-72; 8:49 am]

### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 42415—Dimethyl formamide to Kearny, N.J. Filed by M. B. Hart, Jr., agent (No. A6305), for interested rail

carriers. Rates on dimethyl formamide, in tank carloads, as described in the application, from Pace, Fla., to Kearny, N.J.

Grounds for relief—Truck-barge competition.

Tariff—Supplement 164 to Southern Freight Association, agent, tariff ICC S-804. Rates are published to become effective on June 8, 1972.

FSA No. 42416—General commodities from rail stations in Massachusetts, New Jersey, Pennsylvania, Maryland, and Virginia, to ports in Japan. Filed by United States Lines, Inc. (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail stations in Massachusetts, New Jersey, Pennsylvania, Maryland, and Virginia, to ports in Japan.

Grounds for relief—Water competition.

Tariff—United States Lines, Inc., tariff ICC No. 7. Rates are published to become effective on May 15, 1972. (Special Permission Application filed to postpone effective date to May 30, 1972.)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6899 Filed 5-4-72; 8:49 am]

[Notice 55]

### 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 a 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-73407. By order of April 26, 1972, the Motor Carrier Board approved the transfer to Tommie Boska, doing business as Boska Trucking, Spencer, Nebr., of the operating rights in certificate No. MC-4180 issued April 7, 1949, to Harry Zimmerman, Jamison, Nebr., authorizing the transportation of livestock, between Naper, Nebr., and points within 15 miles of Naper, on the one hand, and, on the other, Sioux City, Iowa; and feed, tankage, salt, twine, and agricultural implements, from Sioux City, Iowa, to Naper and Jamison, Nebr., August F. Schuman, Butte, Nebr. 68722, attorney for applicants.



No. MC-FC-73573. By order of April 27, 1972, the Motor Carrier Board approved the transfer to Bill Rohrbaugh's Charter Service, Inc., Spring Grove, Pa., of the operating rights in certificates Nos. MC-119098 (Sub-No. 1) and MC-119098 (Sub-No. 3) issued December 16, 1959, and November 13, 1963, respectively, to Smith Bus Service, Inc., Manchester, Md., authorizing the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at Westminster, Md., and described points in Carroll County, Md., and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, Delaware, West Virginia, and the District of Columbia, and passengers and their baggage, over a regular route between Hanover, Pa., and Fowlesburg, Md., serving all intermediate points. Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, attorney for applicants.

No. MC-FC-73626. By order of April 26, 1972, the Motor Carrier Board approved the transfer to Richmond Pigeon Carriers, Inc., Staten Island, N.Y., of the operating rights in certificate No. MC-119549 issued June 4, 1964, to Russell Politi, doing business as Russ Politi, Brooklyn, N.Y., authorizing the transportation of homing pigeons, in seasonal operations, between March 1 and November 30 inclusive of each year, from the boroughs of Brooklyn, and Queens, N.Y., to points in New Jersey, Maryland, and Delaware. Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6900 Filed 5-4-72; 8:49 am]

[Notice 62]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 28, 1972.

The following are notices of filing of applications<sup>1</sup> for temporary authority under section 210(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 66121 (Sub-No. 24 TA), filed April 17, 1972. Applicant: INDIAN BOW TRUCK LINES, LTD., 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, and accessories* used in connection therewith, (1) from The Lock Joint Pipe Co., facilities in Perryman, Md., to Deer Park and Jones Beach, N.Y., and (2) from Deer Park, N.Y., to Jones Beach, N.Y.; restricted in (2) above to traffic originating in Perryman, Md., for 180 days. Supporting shipper: Clearview Concrete Pipe Corp., Box 165, Deer Park, Long Island, NY 11729. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 107496 (Sub-No. 844 TA), filed April 19, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Nappanee, Ind., to points in Illinois, Michigan, and Ohio, for 150 days. Supporting shipper: Supersweet Feeds, Division of International Multifoods Corp., 1200 Investors Building, Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108057 (Sub-No. 9 TA), filed April 14, 1972. Applicant: McDONNELL BROS., INC., 759 Riverside Avenue, Lyndhurst, NJ 07071. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metals*, between Howell Township (Monmouth County), N.J., on the one hand, and, on the other, Baltimore, Md., New York, N.Y., and points in Connecticut, Ohio, Pennsylvania, and Rhode Island, under a continuing contract with Emil A. Schroth, Inc., for 180 days. Supporting Shipper: Emil A. Schroth, Inc., Post Office Box 496, Farmingdale, NJ 07727. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 108207 (Sub-No. 344 TA), filed April 12, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street,

(75207), Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Dunlap, Ind., to points in Illinois, Missouri, Iowa, and Nebraska, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting Shipper: ESI Meats, Inc., Subsidiary of Ponderosa, Route No. 3, Box 144A, Goshen, IN 46526. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 116628 (Sub-No. 17 TA), filed April 13, 1972. Applicant: SUBURBAN TRANSFER SERVICE, INC., Post Office Box 168, Rutherford, NJ 07070. Applicant's representative: Richard I. Brown, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, household goods as defined by the Commission and articles requiring special equipment, between points in New York, New Jersey, Florida, Michigan, Illinois, Colorado, and California, limited to a transportation service to be performed under a continuing contract, or contracts, with Abercrombie & Fitch of New York, N.Y., for 180 days. Supporting shipper: Abercrombie & Fitch Co., Madison Avenue at 45th Street, New York, N.Y. 10017. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 119160 (Sub-No. 5 TA), filed April 14, 1972. Applicant: H. E. SPANN AND COMPANY, INC., Post Office Box 1111, Highway 49 E, Mount Pleasant, TX 75455. Applicant's representative: H. E. Spann (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump trucks, or trailers with dump bodies, from all inland ports located on all navigable rivers in Louisiana and Arkansas to points in Texas, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Titan Industrial Corp., 777 Third Avenue, New York, NY 10017. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 120364 (Sub-No. 4 TA), filed April 14, 1972. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Applicant's representative: Robert Kaske, 2017 Wisleria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration equipment and parts, bagged corn cobs, electric appliances, steel buildings, containers, lawn and gym equipment* (except commodities in bulk and those

<sup>1</sup> Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.



commodities which because of size or weight require the use of special equipment), from Genoa, Polo, Rockford, and Waddams Grove, Ill., to points on and east of the western boundaries of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, (2) *materials and supplies* on return to (1), for 150 days. NOTE: Applicant states it does intend to tack with this authority at Polo, Rockford, and Genoa, Ill. Supporting shippers: Imedo, Inc., 1211 West 22d Street, Oakbrook, IL 60521; Falls Products, Inc., Genoa, IL 60135; Central Quality Industries, Inc., Polo, IL 61064; Kobrite, Inc., Post Office Box 34, Lena, IL 61048. Send protests to: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124078 (Sub-No. 521 TA), filed April 14, 1972. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, dry, in bulk, from Danville, Ill., to points in Wisconsin, for 180 days. Supporting shipper: Lauhoff Grain Co., Danville, Ill. 61832 (Gerald E. Stitt, Vice president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124236 (Sub-No. 43 TA), filed April 14, 1972. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simmons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Texas Industries, Inc., Post Office Box 400, Arlington, TX 76010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124813 (Sub-No. 95 TA), filed April 18, 1972. Applicant: UMTOWN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Canned and packaged pet food* (1) from Mokena, Ill., to Muscatine, Iowa, and (2) from Muscatine, Iowa, and Mokena, Ill., to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Doane Products Co., Post Office Box 879, Joplin, MO 64801. Send protests to:

Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126899 (Sub-No. 53 TA), filed March 12, 1972. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials*, from Newport, Ky., to points in Massachusetts, for 180 days. Supporting shipper: G. Helleman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 128355 (Sub-No. 10 TA) (Correction), filed March 20, 1972, published in the FEDERAL REGISTER, issue of April 4, 1972, corrected and republished as corrected this issue. Applicant: HURLIMAN TRUCKING COMPANY, Post Office Box 1704, Portland, OR 97217. Applicant's representative: John R. Hamlett, 2200 Erie County Savings Bank Building, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Denison, Des Moines, Fort Dodge, Glenwood, Iowa Falls, Sioux City, Sioux Center, Waterloo, and Spencer, Iowa; Omaha and West Point, Nebr., and Luverne, Minn., to New York, N.Y., under a contract with W. M. Tynan & Co., New York, N.Y., for 180 days. Supporting shipper: W. M. Tynan & Co., 76 Ninth Avenue, New York, NY 10011. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204. NOTE: The purpose of this republication is to include the destination points.

No. MC 128404 (Sub-No. 4 TA), filed April 17, 1972. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., Post Office Box 3037, 104 Bushee Road, Knoxville, TN 37920. Applicant's representative: Wayne R. Whaley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel billets*, from Knoxville, Tenn., to Salem, Va., for 180 days. Supporting shipper: Knoxville Iron Co., Knoxville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 134145 (Sub-No. 20 TA), filed April 17, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's

representative: Jon Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snow blowers*, two-wheeled, self-propelled, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii); and *parts, materials, supplies, and equipment* used in the manufacture of snow blowers, from points in the United States to Omaha, Nebr., for 180 days. Supporting shipper: General Leisure Products Corp., Post Office Box 429, Downtown Station, Omaha, NE 68101. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 134599 (Sub-No. 37 TA), filed April 18, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Office: 265 West 27th South, 84115, Salt Lake City, UT 84110. Applicant's representatives: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501, and Gordon L. Roberts, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, from City of Industry and Compton, Calif., to points in New York, New Jersey, Pennsylvania, Ohio, Connecticut, and Massachusetts, under continuing contract with Mattel, Inc., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, CA 90250 (Jones K. Christensen, Manager of Traffic). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135320 (Sub-No. 4 TA), filed April 13, 1972. Applicant: OKLAHOMA ARMORED CAR, INC., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air, for 90 days. Supporting shipper: Newfer Photo Service, Bill Burt, Sales Manager, 1024 South Broadway, Wichita, KS 67211. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135384 (Sub-No. 6 TA), filed April 14, 1972. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 and Interstate 75, Route 3, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *common*



carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty containers, and related advertising material*, from the plantsite and storage facilities of Pabst Brewing Co. at Milwaukee, Wis., to the plantsite and storage facilities of Pabst Brewing Co. at Pabst, Ga. (near Perry, Ga.), with authority to transport *returned and rejected shipments*, for 180 days. NOTE: Applicant states it does intend to tack with its existing authority where possible. Supporting shipper: Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, WI 53201. 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 136485 (Sub-No. 1 TA), filed April 17, 1972. Applicant: WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf, MD 20601. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment and electrical supplies (except commodities which because of size and weight require the use of special equipment, from points in Pennsylvania, New Jersey, Connecticut, New York, Maryland, Virginia, Delaware, West Virginia, Ohio, Kentucky, and the District of Columbia, to points in Anne Arundel, Prince Georges, Calvert, St. Marys, Charles, and Montgomery Counties, Md., Stafford, Fauquier, Loudoun, Fairfax, Arlington, and Prince William Counties, Va., and Washington, D.C.; restricted to a transportation service to be performed under a continuing contract or contracts with Eagle Electric Supply Co., Inc., of Washington, D.C., and Waldorf, Md., for 180 days. Supporting shipper: Eagle Electric Supply Co., Inc., 940 New York Avenue NW., Washington, DC 20001. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 136613 TA, filed April 11, 1972. Applicant: DAVID DYKE, doing business as DYKE TRANSPORT, 112

Thomas, Worthington, MN 56187. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inoperative farm tractors and farm machinery and subassemblies thereof*, being transported to point of salvage, from points in California, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, and Alabama to Worthington, Minn., for 180 days. Supporting shipper: Worthington Tractor Salvage, Worthington, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136616 TA, filed April 10, 1972. Applicant: DUTRA TRUCKING COMPANY, 5210 Boyd Road, Post Office Box 277, Arcata, CA 95521. Applicant's representative: Francis A. Dutra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Acetylene and oxygen cylinders*, in interstate or foreign commerce from Eureka, Calif., to Medford, Oreg., from Eureka to Medford and return, over U.S. 101, Eureka to Crescent City, over U.S. 199, Crescent City to Grants Pass, over Interstate 5, Grants Pass to Medford and return over the same route, for 180 days. Supporting shipper: Pacific Oxygen & Welders Supply, 2810 Jacobs Avenue, Eureka, CA 95501. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136630 TA, filed April 13, 1972. Applicant: MISSION TRUCKING CO., 550 South Mission Road, Los Angeles, CA 90033. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages, empty beer containers and empty returning pallets*, between Los Angeles and Azusa, Calif., and Phoenix, Ariz., for 180 days. Supporting shippers: Metro Distributing Co., 550 South Mission Road, Los Angeles, CA 90033; Shamrock Distributing

Co., 105 South 28th Street, Phoenix, AZ 85034; Beauchamp Distributing Co., 330 West 58th Street, Los Angeles, CA 90037. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 136596 TA, filed April 6, 1972. Applicant: NORMAN H. DAVIS, doing business as DAVIS SERVICE CO., 427 Mill Street, Bristol, PA 19007. Applicant's representative: James H. Sweeney, 850 Charles Street, Gloucester City, NJ 08030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, with or without baggage on special and charter operations, from the following boroughs and communities in Pennsylvania as follows: Tullytown, Bristol, Maple Shade, Pennfield, Brightside, Newportville, Hulmeville, Langhorne, Newton, Pineville, Buckingham, Buckingham Valley, and Doylestown, serving all intermediate points and, from points in the Pennsylvania Townships of Bristol, Middletown, Falls and Newtown, to points in the Dominion of Canada and the States of Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, Vermont, and West Virginia, and return to point of origin, for 180 days. Supporting shippers: George School, Newtown, Pa. 18940; Family Service Association of Bucks County, Pa., Pennel, Pa. 19047; Bucks County Community College, Newtown, Pa. 18940; Bristol Junior-Senior High School, Bristol, Pa. 19007; Mill Street Businessmen's Association, Bristol, Pa. 19007; Bracken Cadets, Jr. Drum and Bugle Corps, Bristol, Pa. 19007. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-6901 Filed 5-4-72;8:50 am]



## CUMULATIVE LIST OF PARTS AFFECTED—MAY

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 May.

3 CFR	Page	13 CFR	Page	29 CFR—Continued	Page
PROCLAMATIONS:		107.....	8865	1912.....	8873
3044 (see EO 11669).....	9013	121.....	9104	1926.....	9024
4126.....	8857	14 CFR		PROPOSED RULES:	
4127.....	8937	39.....	8866	5.....	9043
4128.....	9009	71.....	8944, 9022, 9104, 9105	30 CFR	
4129.....	9011	73.....	8867	75.....	8949
EXECUTIVE ORDER:		75.....	9022	PROPOSED RULES:	
11669.....	9013	95.....	8944, 9023	58.....	9125
PRESIDENTIAL DOCUMENTS OTHER		208.....	8947	271.....	8994
THAN PROCLAMATIONS AND		214.....	8948	32 CFR	
EXECUTIVE ORDERS:		287.....	8948	1606.....	9114
Memorandum of April 19,		PROPOSED RULES:		1608.....	9114
1972.....	9101	17.....	9044	1670.....	9117
5 CFR		71.....	9138	33 CFR	
213.....	8939, 9015	16 CFR		117.....	8950
PROPOSED RULES:		13.....	9107-9110	41 CFR	
2411.....	9138	17 CFR		5A-1.....	9105
2470.....	9141	PROPOSED RULES:		5A-2.....	8874
2471.....	9141	249.....	9045	5A-16.....	9105
6 CFR		19 CFR		5A-72.....	8875
101.....	8939	10.....	8867	5A-73.....	8875
300.....	8941, 9120	16.....	8948	24-1.....	9105
PROPOSED RULES:		PROPOSED RULES:		60-7.....	8950
401.....	8951	153.....	9125	101-26.....	8875
7 CFR		21 CFR		101-32 (2 documents).....	8875, 8879
68.....	8859	121.....	9023	101-43.....	8881
301.....	8860	131.....	9023	101-46.....	8881
729.....	8860	PROPOSED RULES:		PROPOSED RULES:	
811.....	8861	1.....	9128	3-30.....	9043
907.....	9015	2.....	9128	42 CFR	
908.....	9015	4.....	9128	91.....	9188
916.....	8862	8.....	9128	PROPOSED RULES:	
953.....	9119	121.....	9128	57.....	8885
1205.....	9016	130.....	9128	45 CFR	
1421.....	8863, 9016	135.....	9128	234.....	9025
PROPOSED RULES:		146.....	9128	47 CFR	
52.....	9128	191.....	9128	0.....	8950
910.....	9042	22 CFR		2.....	8882
987.....	8952	41.....	9023	73.....	9117
1030.....	9128	24 CFR		81.....	9026
1127.....	9042	242.....	9111	83.....	9026
9 CFR		1914.....	9111	87.....	8884
11.....	9018	1915.....	9113	49 CFR	
71.....	8864	25 CFR		1002.....	9027
76.....	8864, 9103	PROPOSED RULES:		1005.....	9027
82.....	8943	231.....	9038	1033.....	8950, 9028, 9029, 9118, 9119
92.....	9019	26 CFR		1115.....	9119
10 CFR		PROPOSED RULES:		PROPOSED RULES:	
170.....	8943	1.....	9030	571.....	9138
12 CFR		29 CFR		Ch. X.....	8952
225.....	9022	601.....	8871	1048.....	8952
528.....	8865	613.....	8872	1124.....	9044
PROPOSED RULES:		616.....	8873	50 CFR	
225.....	9044	688.....	8873	28.....	9110
330.....	8888	690.....	8873	32.....	8950
721.....	8952			33.....	9110

## LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	Date	Pages	Date
8853-8929.....	May 2	9003-9093.....	May 4
8931-9002.....	3	9095-9191.....	5



FRIDAY, MAY 5, 1972  
WASHINGTON, D.C.

Volume 37 ■ Number 88

PART II



---

## **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

■

**Public Health Service**

■

**Lead-Based Paint Poisoning  
Prevention Grants**



## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER H—LEAD-BASED PAINT POISONING PREVENTION

#### PART 91—GRANTS FOR PREVENTION OF LEAD-BASED PAINT POISONING

On January 25, 1972, a notice of proposed rule making was published in the *FEDERAL REGISTER* (37 F.R. 1115) proposing the addition to Subchapter H of Title 42, Code of Federal Regulations, a new Part 91, entitled "Grants for Prevention of Lead-Based Paint Poisoning."

Interested persons were invited to submit, within 30 days, written comments, suggestions, or objections regarding the proposed regulations.

No responses to the invitation for comment on the proposed regulations were received.

Accordingly, Part 91 as proposed is hereby adopted, subject to the following changes of an editorial or technical nature:

1. Paragraphs (c) and (d) of § 91.5 are changed by deleting the word "problems" in each paragraph and inserting in lieu thereof "problem" in each paragraph.

2. Paragraph (e) of § 91.5 is changed by deleting the word "comprehensive."

3. Paragraphs (f), (g), and (h) of § 91.5 are redesignated paragraphs (g), (h), and (i) thereof, and a new paragraph (f) is inserted to read as follows:

(f) A description of the involvement of residents of the area to be served by the proposed program in the development of such program.

4. Subparagraph (5) of paragraph (g), as so redesignated, of § 91.5 is changed to read as set forth below.

**Effective date.** These regulations shall be effective upon publication in the *FEDERAL REGISTER* (5-5-72).

Dated: April 17, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: April 18, 1972.

ELLIOT L. RICHARDSON,  
Secretary.

Sec.	
91.1	Applicability.
91.2	Definitions.
91.3	Eligible applicants.
91.4	Form and manner of application.
91.5	Description of program.
91.6	Evaluation and grant award.
91.7	Grant payments.
91.8	Use of grant funds.
91.9	Nondiscrimination.
91.10	Confidentiality.
91.11	Inventions and discoveries.
91.12	Publication and copyright.
91.13	Expenditures by grantee.
91.14	Grantee accountability.
91.15	Records, reports, inspection, and audit.
91.16	Additional conditions.
91.17	Early termination and withholding of payments.

**AUTHORITY:** The provisions of this Part 91 issued under secs. 101 and 201, 42 U.S.C. 4801 and 4811; 84 Stat. 2078.

#### § 91.1 Applicability.

The regulations in this part are applicable to the award of grants under titles I and II of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 and 4811; 84 Stat. 2078) to assist units of general local government in any State in developing and carrying out local programs for the detection and treatment of incidents of lead-based paint poisoning and for the identification and elimination of the hazards of lead-based paint poisoning.

#### § 91.2 Definitions.

As used in this part:

(a) "Act" means the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695 (42 U.S.C. 4801 et seq.; 84 Stat. 2078).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(d) "Unit of general local government" means (1) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; (2) any combination of units of general local government in one or more States; (3) an Indian tribe; or (4) with respect to lead-based poisoning elimination activities in their urban areas, the territories and possessions of the United States.

(e) "Lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

#### § 91.3 Eligible applicants.

Any unit of general local government is eligible to apply for a grant under this part.

#### § 91.4 Form and manner of application.

(a) An application for a grant under this part shall be submitted to the Secretary in such form and manner and at such time as the Secretary may prescribe.<sup>1</sup>

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

<sup>1</sup> Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

(c) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part, and shall clearly identify the respective amounts of grant funds to be utilized under title I and title II of the act.

(d) Prior to submission of the application to the Secretary, reasonable opportunity for review and comment with respect to the application shall be afforded to the appropriate State comprehensive health planning agency designated pursuant to section 314(a) of the Public Health Service Act (42 U.S.C. 246(a)) and to the appropriate areawide health planning agency, if any established pursuant to section 314(b) of the Public Health Service Act (42 U.S.C. 246(d)).

#### § 91.5 Description of program.

An application for a grant under this part shall set forth a description of the proposed lead-based poisoning prevention program, which shall include:

(a) A description of the applicant's legal authority and responsibility for the administration of such program, together with a description of the steps which the applicant proposes to take in order to obtain any legal authority which is necessary for the administration of such program but which is not currently available to the applicant.

(b) A description of the applicant's administrative organization, procedures, facilities, financial, and other resources, and staff, together with plans for changes or development, including additional staffing, necessary to carry out the programs efficiently and effectively.

(c) A description of the nature, effects and extent of the actual and potential local lead-based paint poisoning problem, including an identification of the major areas and population affected by lead-based paint poisoning, and the methods used in determining the nature, effect and extent of the lead-based paint poisoning problem.

(d) The overall objectives of the program (including immediate and long-range objectives) which must be appropriate to the solution of the lead-based paint poisoning problem identified in paragraph (c) of this section.

(e) A description of the manner in which the proposed program will be integrated with existing health service and housing programs.

(f) A description of the involvement of residents of the area to be served by the proposed program in the development of such program.

(g) A description of a comprehensive program for the detection and treatment of incidents of lead-based paint poisoning and for the identification and elimination of the hazards of lead-based paint poisoning, which program must include specific measures taken or to be taken to accomplish the objectives identified pursuant to paragraph (d) of this section, and a schedule for their accomplishment. The program shall emphasize



screening and detection activities, and shall include:

(1) The development of effective informational programs designed to develop awareness of the problem among the population of the communities affected;

(2) Community self-help programs to enable residents to remove lead-based paint poisoning hazards from the residential community;

(3) To the maximum extent feasible, opportunities for training, education, and employment of the residents of communities affected by lead-based paint poisoning, and shall include a program for providing information which may be necessary to inform such residents of opportunities for employment in the lead-based paint elimination program;

(4) Establishment of lead-based paint poisoning screening services at such locations and at such times as to be easily accessible to the residents of the communities identified as needing such services;

(5) An intensified community followup program to insure that children with blood lead levels of over 40 micrograms per 100 milliliters of whole blood are followed under a program of medical surveillance or treatment as medically indicated, and that sources of undue lead intake are identified and controlled;

(6) A comprehensive program of testing to detect the presence of lead-based paints in residential housing; and

(7) A comprehensive program requiring owners or landlords of housing units found to have unacceptable levels of lead-based paint, on interior surfaces or exterior surfaces accessible to children, to eliminate the paint from such surfaces or otherwise control the hazard; and, requiring other actions to eliminate or reduce lead-based paint poisoning.

(h) A description of the ongoing evaluation and planning by which the applicant will measure and further its progress in attaining the program objectives.

(i) An assurance that, in the operation of the program, no charge will be made for screening and detection tests.

#### § 91.6 Evaluation and grant award.

(a) Within the limits of funds available for such purposes, the Secretary may award grants with respect to those projects which will in his judgment best promote the purposes of the act, taking into account:

(1) The significance of each project in terms of the extent of and need for the services to be provided;

(2) The general quality and effectiveness of the lead-based paint poisoning prevention program in relation to the requirements of § 91.5;

(3) The extent to which representatives of the communities to be served have been involved in the development of the project;

(4) The extent to which, in the judgment of the Secretary, a grant under this part will assist in the establishment of a continuing lead-based paint poisoning prevention program which will be

conducted by the applicant beyond the termination of Federal financial support; and

(5) The extent to which the Federal and local programs are coordinated and utilized to impact on the lead-based paint poisoning problem.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary. *Provided*, however, that no grant under this part shall include an amount for carrying out the purposes of title I of the act which exceeds 75 percent of the cost of carrying out such purposes, as described in the application and determined by the Secretary. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual<sup>1</sup>) may not be included.

(c) Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1-76, 2-65, 2-66, and 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing, shall set forth the respective amounts of funds granted under title I and under title II of the act, and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect

<sup>1</sup> The Department Grants Administration Manual is available for inspection at the Public Information Office of the several department regional offices and available for purchase at the Government Printing Office, GPO document No. 894-523.

to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

#### § 91.7 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

#### § 91.8 Use of grant funds.

(a) Any funds granted pursuant to this part as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this part, the terms and conditions of the award and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual. Such funds may be expended for medical care or treatment and the deleading of residential environments only under special circumstances as indicated in the following items:

(1) Providing medical care or treatment on only an emergency basis of victims of lead-based paint poisoning where the applicant finds, and demonstrates to the satisfaction of the Secretary, either before or after the provision of such care or treatment, that no other funds are reasonably available for such care and treatment; or

(2) Deleading of residential dwellings, only where the applicant finds that the presence of lead-based paint on interior surfaces of such a dwelling presents an imminent danger to the health and safety of one or more residents and where the applicant finds, and demonstrates to the satisfaction of the Secretary, either before or after such deleading, that no other funds are reasonably available for such deleading.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

#### § 91.9 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) All services and employment opportunities provided with the aid of



grants under this part shall, except where otherwise medically indicated, be made available without discrimination on the grounds of age, sex, creed, marital status, or duration of residence.

#### § 91.10 Confidentiality.

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

#### § 91.11 Inventions or discoveries.

Any grant award pursuant to this part is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

#### § 91.12 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

#### § 91.13 Expenditures by grantee.

The total cost of a project includes the identifiable direct costs and the associated indirect costs. Except as may otherwise be provided by or pursuant to the regulations of this part, the identification of direct and indirect costs will be consistent with the same policies and methods that the grantee applies to its own activities and in conformance with the applicable cost principles as set forth in the Department's Grants Administration Manual. Funds granted for the direct costs of approved projects may be expended by the grantee to the extent

that such items are required to carry out the approved project. The amount of any award for the indirect costs of any project, subject to such maximum amounts or percentages as may be prescribed by law, shall be calculated in accordance with chapter 1-80 of the Department's Grants Administration Manual. The Secretary may issue rules, instructions, interpretations or limitations supplementing the regulations of this part and prescribing the extent to which particular types of expenditures may be charged as direct or indirect costs to the granted funds.

#### § 91.14 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards and separate records shall be maintained for payment with respect to title I and title II of the act. With respect to each approved project, the grantee shall account for the sum total of all amounts paid out by presenting or otherwise making available evidence, satisfactory to the Secretary, of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other lead-based paint poisoning prevention projects.* Equipment may be used without adjustment of accounts on other grant supported projects (whether or not federally supported) within the scope of the act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income—(1) Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout—(1) Date of final accounting.* A grantee shall render, with respect to each approved project, a full accounting, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of—

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for materials on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraphs (c)(1) of this section; and



(iv) Any other settlements required by paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

**§ 91.15 Records, reports, inspection, and audit.**

(a) *Records and reports.* Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purpose of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records

shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under this part shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interviews with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this part shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of records relating to the use of grant funds.

**§ 91.16 Additional conditions.**

The Secretary may with respect to any grant award impose additional conditions

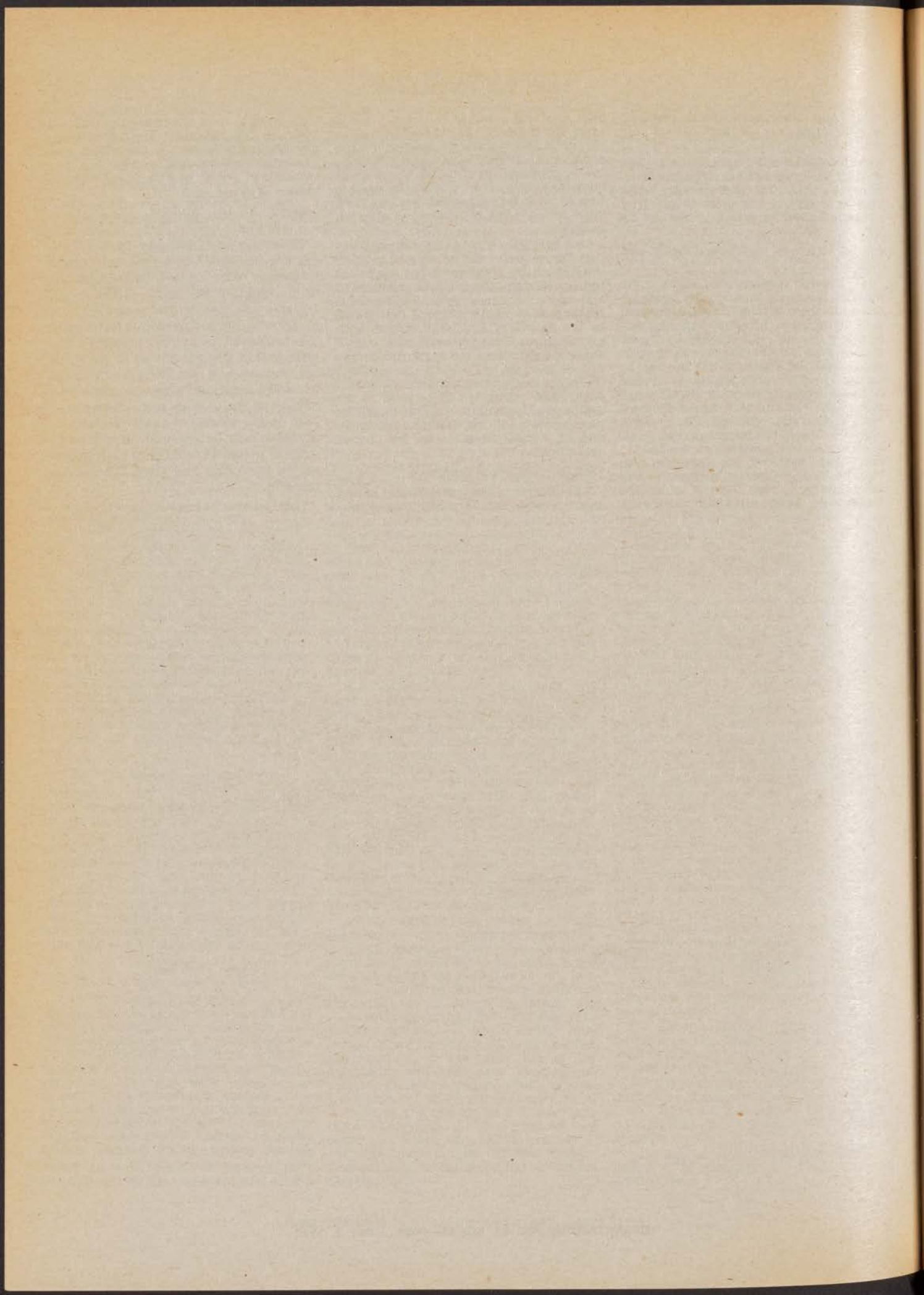
prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

**§ 91.17 Early termination and withholding of payments.**

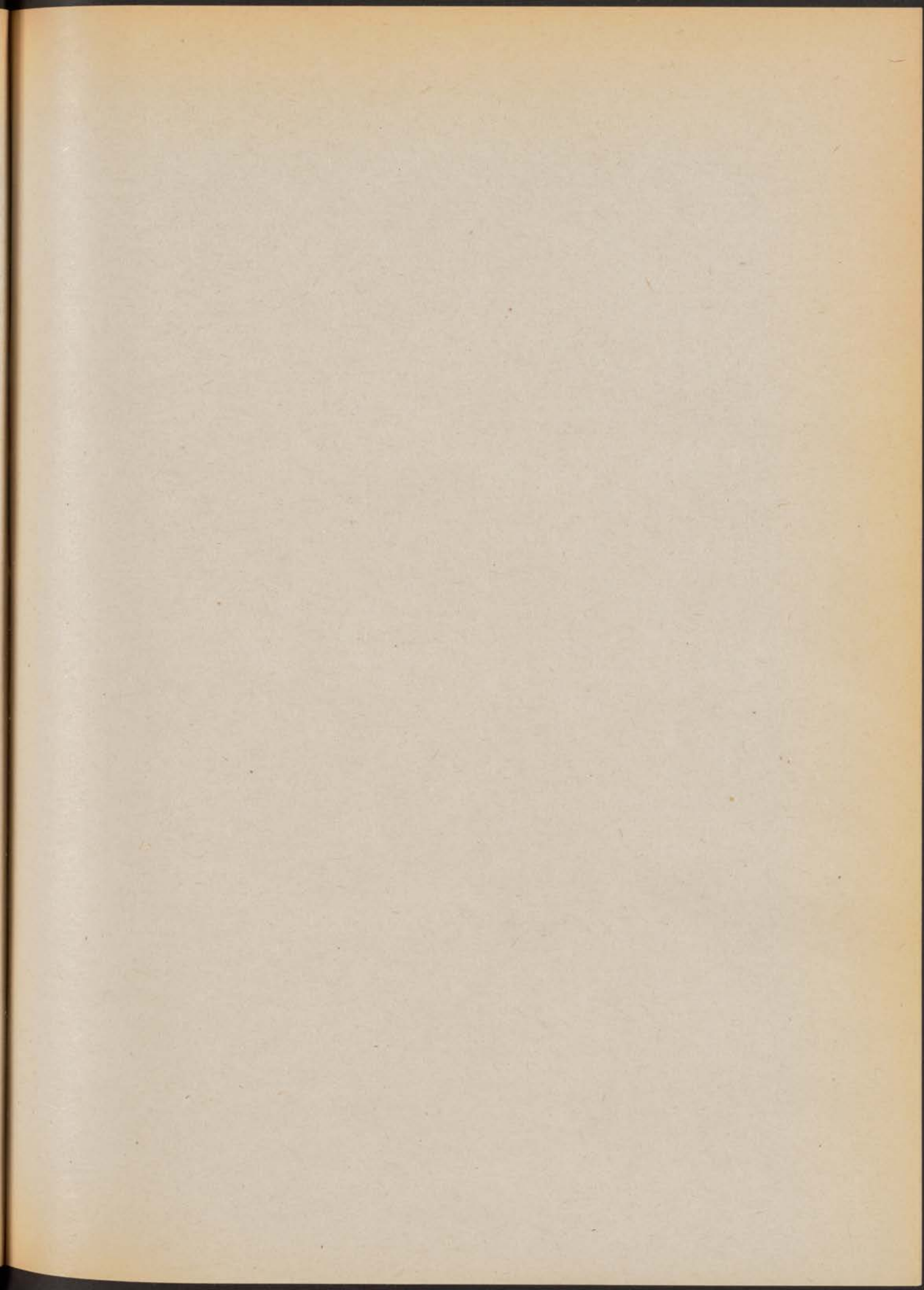
Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this part, or the terms of the grant, he may on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-6994 Filed 5-4-72;9:39 am]





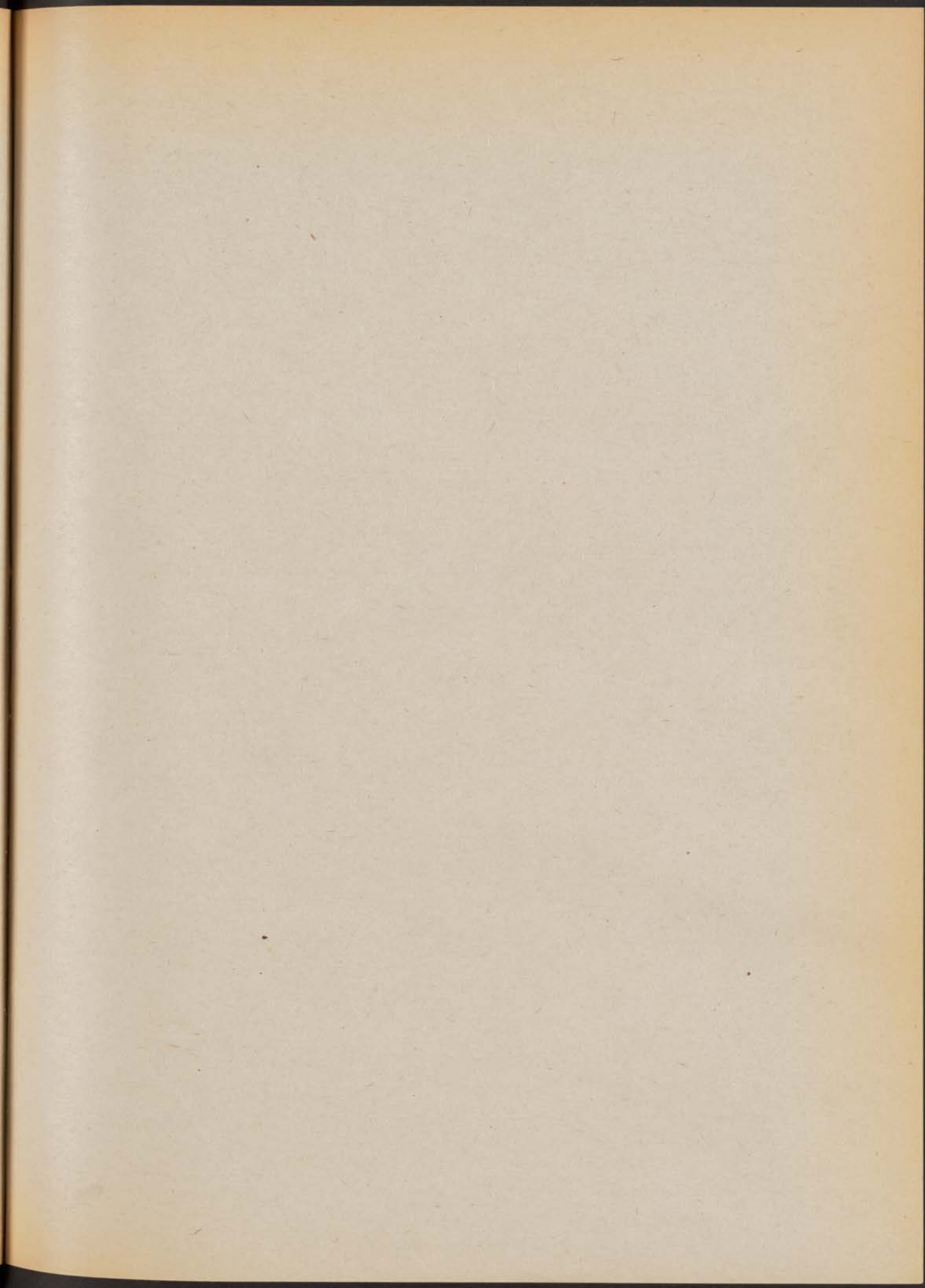
















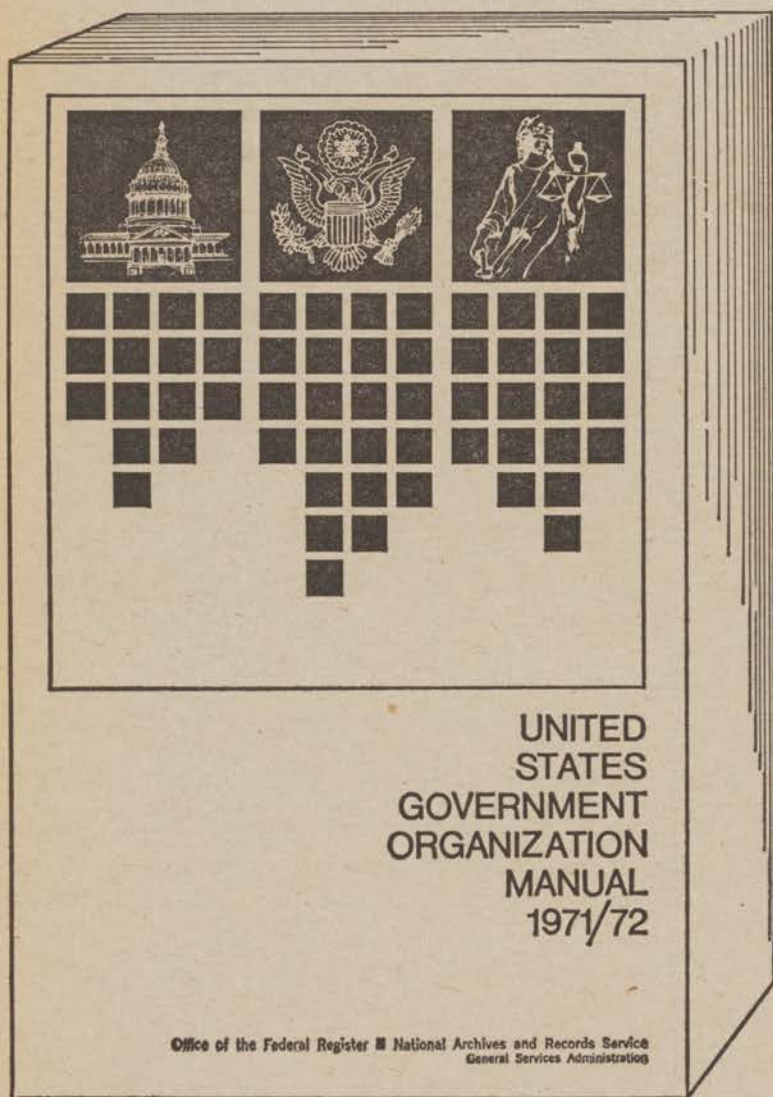








# Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from  
SUPERINTENDENT OF DOCUMENTS  
U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON, D.C. 20402

**\$3.00** per copy.  
Paperbound, with charts