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Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1972]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 92-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

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Chapter I—General Accounting Office

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY AND ALLOWANCES

COVERAGE OF CIVILIAN EMPLOYEES AND MEMBERS OF THE UNIFORMED SERVICES

The standards for waiver of claims for erroneous payments of pay are revised to cover allowances, in addition to pay, for civilian employees, and to cover pay and allowances for members or former members of the uniformed services, including the National Guard, pursuant to the authority of Public Law 92–453, approved October 2, 1972.

The law now provides that the application for waiver of an erroneous payment of pay to a civilian employee may be considered if received either in the General Accounting Office or the executive agency concerned within 3 years from date of discovery or within 3 years after October 21, 1968, whichever is later, and the erroneous payment must have occurred not earlier than July 1, 1960. Application for waiver of an erroneous allowance payment to a civilian employee may be considered if application is received within 3 years from the date of discovery or 3 years from October 2, 1972, whichever is later. The erroneous allowance payment to be considered must have occurred not earlier than July 1, 1960.

The application for waiver of an erroneous payment of pay or allowances to a member or former member of the uniformed services, including the National Guard, may be considered only if received either in the General Accounting Office or the office of the Secretary concerned within 3 years from the date of discovery.

Subchapter G, Standards for Waiver of Claims for Erroneous Payment of Pay and Allowances, is revised in entirety to read as follows:

PART 91—STANDARDS FOR WAIVER

Sec.

91.1 Prescription of standards.
91.2 Definitions.
91.3 Exclusions.
91.4 Waiver of claims for erroneous payments of pay and allowances.
91.5 Conditions for waiver of claims.

AUTHORITY: The provisions of this Part 91 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 5 U.S.C., section 5584; 10 U.S.C., section 2774, 32 U.S.C., section 716.

§ 91.1 Prescription of standards.

These regulations are issued by the Comptroller General of the United States in implementation of section 5584 of title 5, United States Code, as added by Public Law 90–616, approved October 21, 1968, as amended by Public Law 92–453, approved October 2, 1972, and also in implementation of new section 2774 added to title 10, United States Code, and new section 716 added to title 32, United States Code, by said Public Law 92–453. These regulations prescribe standards for the waiver of claims of the United States against a person arising out of an erroneous payment of pay or allowances to an employee of an executive agency, and a member of the uniformed services, including the National Guard, the collection of which would be against equity and good conscience and not in the best interests of the United States.

§ 91.2 Definitions.

In this chapter:

(a) "Employee" means an employee as defined in 5 U.S.C. 5581 who is or was employed in a civilian capacity by an executive agency.

(b) "Executive agency" means an executive agency as defined in 5 U.S.C. 105.

(c) "Pay" as it relates to an employee means salary, wages, pay, compensation, emoluments, and remuneration for services. It includes but is not limited to overtime pay; night, Sunday standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave; and severance pay. It does not include travel and transportation expenses and allowances, and relocation allowances payable under 5 U.S.C. 5724a.

(d) "Allowances" as they relate to an employee include but are not limited to payments for quarters, uniforms, and overseas cost of living expenses, but exclude travel and transportation allowances, and relocation expenses payable under 5 U.S.C. 5724a.

(e) "Member" means a member or former member of the uniformed services, or member or former member of the Nation Guard.

(f) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

(g) "National Guard" means the Army National Guard, the Air National Guard, the Army National Guard of the United States, and Air National Guard of the United States.

(h) The term "Secretary concerned" is that as defined in section 101(5) of title 37, United States Code.

(i) "Pay" as it relates to members includes but is not limited to base and longevity pay, basic pay, training duty pay, special and incentive pays, readjustment pay, severance pay, mustering-out pay, retainer pay, retired pay, retirement pay, lump sum leave pay, and equivalent pay. It does not include travel or transportation allowances.

(j) "Allowances" as they relate to members include but are not limited to payments in lieu of subsistence, quarters, uniforms, clothing, personal money allowance, family separation allowance, and overseas station allowance. They do not include travel or transportation allowances.

(k) "Aggregate amount" means gross entitlement due employee or member.

§ 91.3 Exclusions.

This part does not apply to:

(a) Employees of the District of Columbia Government.

(b) Employees of the Architect of the Capitol, the Government Printing Office, the U.S. Botanic Garden and other employees of the legislative branch of the Government except employees of the General Accounting Office.

(c) Employees of the Administrative Office of the U.S. Courts, the Federal Judicial Center and other employees of the judicial branch.

§ 91.4 Waiver of claims for erroneous payment of pay and allowances.

(a) The Comptroller General of the United States may waive in whole or in part a claim of the United States in any amount arising out of erroneous payment or pay or allowances, to an employee or member when all of the conditions set out in § 91.5 are present. Claims referred to the Attorney General for litigation will not be considered for waiver by the Comptroller General of the United States without first having obtained permission from the Attorney General.

(b) The head of the executive agency or the Secretary concerned, as appropriate, may waive in whole or in part a claim of the United States in an amount aggregating not more than $500, without regard to any repayments, against any person arising out of an erroneous payment of pay or allowances to or on behalf of an employee or member when all of the conditions set out in § 91.5 are present except that he may not waive such a claim which is the subject of an exception made by the Comptroller General in the account of any accountable official, or, which has been transmitted to the General Accounting Office for collection or to the Attorney General for litigation.

§ 91.5 Conditions for waiver of claims.

Claims of the United States arising out of an erroneous payment of pay or allowances may be waived in whole or in part in accordance with the provisions of § 91.4 whenever:

(a) The claim arises out of an erroneous payment of pay and allowances made to or in behalf of an employee on or after

July 1, 1960, except that waiver action may not be taken (1) unless application is received either in the General Accounting Office or executive agency concerned within 3 years immediately following the date on which the erroneous payment of pay was discovered, or within 3 years after October 21, 1968, whichever is later or (2) unless application is received either in the General Accounting Office or executive agency concerned within 3 years immediately following the date on which the erroneous payment of allowances was discovered, or October 2, 1975, whichever is later.

(b) The claim arises out of an erroneous payment of pay or allowances made to or in behalf of a member except that waiver action may not be taken unless application is received either in the General Accounting Office or the office of the Secretary concerned within 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(c) Collection action under the claim would be against equity and good conscience and not in the best interests of the United States. Generally these criteria will be met by a finding that the erroneous payment of pay or allowances occurred through administrative error and that there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee or member or any other person having an interest in obtaining a waiver of the claim. Any significant unexplained increase in pay or allowances which would require a reasonable person to make inquiry concerning the correctness of his pay or allowances, ordinarily would preclude a waiver when the employee or member fails to bring the matter to the attention of appropriate officials. Waiver of overpayments of pay and allowances under this standard necessarily must depend upon the facts existing in the particular case. The facts upon which a waiver is based should be recorded in detail and made a part of the written record in accordance with the provisions of § 92.6 of this subchapter.

(d) The claim is in the gross amount of $25 or less and there is no evidence that such erroneous payment occurred through fraud, misrepresentation, fault, or lack of good faith on the part of the employee or member or any other person having an interest in obtaining a waiver of the claim. See § 92.2(c) of this subchapter.

PART 92—PROCEDURE

Sec.

92.1 Referral of applications for waiver or refund to the head of the executive agency or the Secretary concerned.
92.2 Investigation—Report of investigation.
92.3 Procedure of head of executive agency or Secretary concerned after receiving report of investigation.
92.4 Notification of waiver action.
92.5 Refund of amounts repaid and waived.
92.6 Written record.
92.7 Register of waivers—Report.
92.8 Referral of claims for collection or litigation.

AUTHORITY: The provisions of this Part 92 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 5 U.S.C. section 5584, 10 U.S.C. 2774, and 32 U.S.C. 716.

§ 92.1 Referral of applications for waiver or refund to the head of the executive agency or the Secretary concerned.

All applications for waiver or refund shall be submitted to the head of the executive agency or the Secretary concerned of the department which made the erroneous payment of pay or allowances. Any such application which has not previously been considered for waiver shall be considered for waiver provided it was received within the time limitations of § 91.5 of this subchapter. In the absence of other request, either the Comptroller General of the United States, the Secretary concerned or the head of the agency which made the erroneous payment of pay or allowances may initiate the waiver procedure prescribed in these regulations.

§ 92.2 Investigation—Report of investigation.

(a) Except as provided in paragraph (c) of this section, all claims of the United States considered for waiver shall be investigated by the agency which made the erroneous payment of pay or allowances.

(b) The report of investigation will be made to the head of the executive agency or the Secretary concerned and should include:

(1) A statement of the aggregate amount of the erroneous payment supported by a citation to the pay record or voucher or vouchers upon which the erroneous payment was made together with a showing as to the part of the erroneous payment made on each pay record or voucher.

(2) A statement showing the circumstances under which the erroneous payment was made, the date it was discovered and whether it was subject to an exception made by the Comptroller General of the United States.

(3) A statement as to whether there is any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or member or any other person having an interest in obtaining a waiver of the claim.

(4) A statement by the employee or member as to his knowledge of the overpayment.

(5) Any other factual information in possession of the agency such as payroll change slips, personnel action forms, leave and earnings statements, indoctrination or other instruction indicating knowledge on the part of the employee or member concerning the possibility of having received an erroneous payment of pay or allowances.

(c) An investigation will not be required in those cases of overpayment of pay or allowances involving amounts of $25 or less where there is no indication in the record of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim.

§ 92.3 Procedure of head of executive agency or Secretary concerned after receiving report of investigation.

After the head of the executive agency or Secretary concerned receives the report of investigation made in accordance with the provisions of § 92.2 he shall:

(a) Determine the reason for the erroneous payment of pay and allowances, take such corrective action as may be required to prevent similar erroneous payments, and make a written report thereof (see § 92.6).

(b) Waive the claim of the United States in whole or in part, if it is an amount aggregating not more than $500, without regard to any repayment, and he determines that waiver would be proper, and record the date and reasons for the waiver, unless the claim has been referred to the Comptroller General for collection or the Attorney General for litigation in which case the report of investigation together with his recommendation will be referred to the Comptroller General of the United States.

(c) Refer the report of investigation together with his recommendation to the Comptroller General of the United States for determination if the claim of the United States is in an amount aggregating more than $500, or

(d) Refer the report of investigation together with his recommendation to the Comptroller General of the United States if the claim of the United States is in an amount aggregating $500 or less without regard to any repayment, and he has doubt as to whether waiver action is proper.

§ 92.4 Notification of waiver action.

The Comptroller General of the United States or the head of the executive agency or the Secretary concerned, as the case may be, to the extent practicable, shall send written notification to all concerned as to the final action taken upon a claim of the United States for erroneous payment of pay and allowances considered for waiver. If he reasonably can be located, any person who has repaid to the United States all or part of a claim which has been waived in whole or in part and who has not previously made application for refund, in addition to being informed as to the waiver action shall also be informed of his right to make application to the employing agency or department concerned at the time of erroneous payment for refund within 2 years following the date of the waiver action.

§ 92.5 Refund of amounts repaid and waived.

The employing agency or department concerned at the time of the erroneous payment shall refund any amounts to a person who has repaid to the United States all or part, as appropriate, of the claim which has been waived in whole or in part, to the extent waived, provided application is made to the employing agency or department concerned for the refund within 2 years following the date of the waiver. Refunds shall be charged

to the appropriation from which the erroneous payment was made.

§ 92.6 Written record.

The report of investigation, a detailed account of the corrective action taken, an account of the waiver action taken and the reasons therefor, and other pertinent information such as the action taken upon an application for refund shall constitute the written record in each case.

§ 92.7 Register of waivers—Report.

(a) Each executive agency or department concerned shall maintain a register, and where appropriate separate registers, one for employees and one for members, each register shall show the disposition of each claim of the United States for erroneous payment of pay and allowances considered for waiver. The registers, together with the written record as described in § 92.6, shall be available for review by the General Accounting Office.

(b) Within 60 days after the close of each fiscal year, the head of each executive agency or the Secretary concerned exercising waiver authority shall furnish a consolidated report to the Comptroller General of the United States showing the total amount waived by the agency including the number of waiver requests granted in full and the dollar amount waived; number of waiver requests denied in entirety and the amount thereof; number of claims which have been waived in part including the aggregate amount waived and the aggregate amount denied in this category; and the number of requests transmitted to the General Accounting Office for waiver action. There should also be furnished a report of the amount refunded as a result of waiver action by the head of the executive agency or Secretary concerned and the amount refunded as a result of waiver action by the Comptroller General.

§ 92.8 Referral of claims for collection or litigation.

(a) If the head of the executive agency or Secretary concerned has considered waiver and has denied waiver in whole or in part he shall so advise the General Accounting Office when referral for collection is made to it pursuant to 31 U.S.C. 71.

(b) No claim for the recovery of an erroneous payment of pay and allowances shall be referred to the Attorney General for litigation until it has first been considered for waiver, unless the time remaining for suit within the applicable period of limitations does not permit such waiver consideration prior to referral.

PART 93—EFFECT OF WAIVER

Sec.
93.1 Credit in accounts.
93.2 Waived payment deemed valid.
93.3 Effect on other authority.

AUTHORITY: The provisions of this Part 93 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply, 5 U.S.C. section 5584, 10 U.S.C. section 2774, 32 U.S.C. section 716.

§ 93.1 Credit in accounts.

In the audit and settlement of the accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived.

§ 93.2 Waived payment deemed valid.

An erroneous payment of pay or allowances, the collection of which is waived is deemed a valid payment for all purposes.

§ 93.3 Effect on other authority.

The provisions of these regulations do not affect any authority under any statute, other than 5 U.S.C. 5584, 10 U.S.C. 2774 and 32 U.S.C 716, to litigate, settle, compromise, or waive any claim of the United States.

These regulations shall be effective upon filing with the Director, Office of the Federal Register.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-21100 Filed 12-7-72;8:53 am]

Chapter III—Cost Accounting Standards Board

SUBCHAPTER C—PROCUREMENT PRACTICES

PART 331—CONTRACT COVERAGE

Miscellaneous Exemptions and Waivers

The purpose of this publication by the Cost Accounting Standards Board is to adopt a modification to Part 331, Contract Coverage, of its rules and regulations. The modification adopted today was initially published in the FEDERAL REGISTER of October 6, 1972 (37 F.R. 21177). Comments regarding that notice of proposed rule making were invited to be submitted to the Board by November 6, 1972.

The October 6, 1972, publication covered proposals to grant exemptions to four classes or categories of contracts or subcontracts. These four areas are discussed below along with a discussion of any comments received.

LABOR SURPLUS AREA SET-ASIDE AWARDS

No comments were received concerning the Board's proposal to exempt these kinds of contracts. The proposal has been adopted for the reasons expressed in the notice of October 6, 1972 (37 F.R. 21177).

CANADIAN COMMERCIAL CORPORATION

The Board proposed to grant exemptions to contracts awarded to the Canadian Commercial Corp. Several comments were received pointing out that certain administrative actions concerning CCC contracts are performed by U.S. officials located in Canada. None of these commentators, however, objected to granting the proposed exemptions. The Board therefore adopts the proposed exemption to contracts awarded to the Canadian Commercial Corp.

WESTERN ELECTRIC CO.

The Board had proposed to grant until June 30, 1973, an exemption for contracts awarded to Western Electric Co. for materials, supplies, or services which are standard items of the Bell System. The Board was aware of a study being undertaken by the Federal Communications Commission (Phase II investigation) concerning the interstate telephone services of the American Telephone & Telegraph Co. and the associated Bell System companies, including Western Electric Co. The Board recognized a possibility that imposition of standards as to the Bell System items sold to the Government could have an impact on the accounting practices of Western Electric with respect to the same items sold to the Bell System. The Board was concerned that such impact, were it to occur, could affect the review being undertaken by FCC and impede the progress of the Commission's Phase II investigation. In view of this, it appeared appropriate to the Board to suspend application of standards while the FCC action was in progress.

The Federal Communications Commission commented on this proposal, stating that in its opinion, the Cost Accounting Standards Board's imposition of requirements would not impede or have any impact on the FCC's trial staff's investigation and the Commission's ultimate decision in the Phase II investigation.

The Department of Defense has informed the Board that procurement from Western Electric Co. of Bell System items is essential to replace, repair, and interface with a DOD system already in place, to assure compatibility and to avoid complete inoperation of that system. However, Western Electric is unwilling to accept a contract for such items containing the Cost Accounting Standards clause. In light of this circumstance, the Board is adopting the proposed exemption to June 30, 1973, for contracts for Bell System items awarded to Western Electric Co. The Board, further, recognizes that similar questions may well arise in the future. It is therefore proposing today to establish a mechanism to deal with such questions. (See notice of proposed rule making.)

FOREIGN CONTRACTS

A number of commentators submitted comments favoring the proposal to establish a mechanism to grant waivers for contracts awarded to foreign contractors or foreign governments for performance outside the United States. One commentator, however, suggested a severe limitation in the scope of the Board proposed exemption, recommending that it be limited to procurements where United States firms are precluded from competing. This commentator's position

is based on the assumption that compliance with Board requirements could increase prices or costs and that, consequently, a U.S. firm competing with a foreign firm might be at a competitive disadvantage if Board requirements might be waived for the foreign firm, but would not be waived for the U.S. firm.

The Board does not agree with this suggestion. Until all Board requirements, such as the disclosure statement and standards, apply to each firm competing for a particular contract, there will always be some disparity of condition of the competitors. Additionally, the Board does not agree that compliance with Board requirements is necessarily disadvantageous competitively. For these reasons, the Board has not made revisions to the proposed exemption for foreign contracts to accommodate these comments.

The Board is, however, revising its proposal concerning foreign contractors to make it consistent with the Board's proposal concerning domestic contractors. This revised proposal is being published today in a notice of proposed rule making.

In the table of contents, revise § 331.3 as follows:

Sec.
331.3 Applicability, exemption, and waiver.

The headings of § 331.3 is modified and subparagraphs (4), (5), and (6) are added to paragraph (b) to read as follows:

§ 331.3 Applicability, exemption, and waiver.

* * * * *

(b) * * *

(4) Any contract made with a labor surplus area concern pursuant to procedures providing for a partial set-aside for such concern as set out in ASPR 1–804, 32 CFR 1.804; and FPR 1–1.804, 41 CFR 1–1.804.

(5) Any contract awarded to the Canadian Commercial Corp. in accordance with the terms of the agreement of July 27, 1956, as amended, between the Department of Defence Production (Canada) and the U.S. Departments of the Army, the Navy, the Air Force, and the Defense Supply Agency.

(6) Any contract awarded to Western Electric Co. for materials, supplies, or services which are standard items of the Bell System. This paragraph 6 expires on June 30, 1973.

Effective date. This amendment is effective December 8, 1972.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.72-21098 Filed 12-7-72;8:53 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Foreign Appointments of 6 Months or Less; Family Support

Part 550 is amended to permit employees serving at posts outside the continental United States and whose appointments are limited to 6 months or less to make allotments for the support of their families.

Effective the first pay period beginning on or after publication in the FEDERAL REGISTER, § 550.311(d) is amended as set out below.

§ 550.311 Authority of agency.

* * * * *

(d) Except for those employees listed in § 550.371(c) or as otherwise provided in this subpart, only an employee who is serving under an appointment not limited to 6 months or less may make an allotment. Employees listed in § 550.371 (c) may make an allotment for the purposes specified in § 550.371(a) regardless of the tenure of their appointment.

(5 U.S.C. sec. 5527, E.O. 10982; 3 CFR 1959–1963 Comp. p. 502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-21086 Filed 12-7-72;8:53 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Last Price Increase for Allowable Cost Purposes

The purpose of this amendment to § 300.12 of the Price Commission's regulations is to provide that a price increase put into effect by a manufacturer pursuant to authority granted by the Price Commission under its special rule for volatile prices in § 300.51(f) does not eliminate all allowable cost justification incurred prior to that price increase.

A price Category I manufacturer who has customarily priced a product in a manner immediately responsive to fluctuations in the market price or raw materials or partially processed materials used in that product, may, under authority granted by the Commission pursuant to § 300.51(f), continue to so price that product without the prenotification otherwise required under § 300.51(a). Price fluctuations caused by the reflection of fluctuating costs of the raw materials or partially processed materials used in a product are limited in such a way that increases in price may not result in an increase in the firm's profit margin over that which prevailed during the base period. Further, decreases in these "volatile" costs require the firm to decrease its price to reflect decrease in the cost of raw materials or partially processed materials used in the product concerned.

Before this amendment, Price Commission regulations § 300.12 stated that a manufacturer was permitted to charge a price above base price only to reflect increases in costs incurred in that item since the last price increase or January 1, 1971, whichever is later. The result of this requirement as to a manufacturer authorized to use the pricing provisions of § 300.51 (f) through (i), was that a price increase under special authority granted by the Commission under § 300.51(f) reflecting increased raw material costs erased all accumulated increases in costs incurred but not yet reflected in other price adjustments.

This amendment to § 300.12 modifies § 300.12 to provide that no price adjustment made pursuant to § 300.51(f) shall be considered to be the "last price increase" and thus allow costs incurred prior to that adjustment to accrue as possible cost justification for subsequent price increase requests pursuant to § 300.51(a).

Because the purpose of this amendment is to provide immediate guidance and information as to price stabilization rules for manufacturers' pricing practices, 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 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended, effective December 7, 1972, by adding the following sentence at the end of § 300.12: "However, the words 'last price increase' do not include any price increase made pursuant to an authorization under § 300.51(f)."

Issued in Washington, D.C. on December 5, 1972.

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

[FR Doc.72-21215 Filed 12-7-72;8:56 am]

Rulings—Internal Revenue Service, Department of the Treasury

[Pay Board Ruling 1972–121]

REPORTING REQUIREMENTS FOR CONSTRUCTION INCREASES WITHIN GUIDELINES

Pay Board Ruling

Facts. X Construction Co. employs 50 construction workers. X enters into a collective bargaining agreement with a union that represents its employees. The agreement provides for a wage increase within the 5.5 percent guideline.

Issue. Is prenotification of the wage increase required and, if so, what is the procedure for prenotification?

Ruling. Yes; prenotification is required as this would be a Category I pay adjustment. See Economic Stabilization Regulations, 6 CFR 101.21(a)(2) (1972) and 202.10(b)(4), 37 F.R. 24992 (1972).

The prenotification should be to the appropriate craft board or boards operating under the Construction Industry Stabilization Committee or to the Committee of there is no appropriate board. Executive Order No. 11588 (3 CFR, 1971 Comp., 36 F.R. 6339).

This ruling has been approved by the General Counsel's Office of the Pay Board.

Dated: December 4, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–21088 Filed 12–7–72;8:52 am]

[Pay Board Ruling 1972–122]

EFFECT OF RULINGS ON REGULATIONS

Pay Board Ruling

Facts. A corporation, B, has been uncertain as to the application of a specific section of the Economic Stabilization Regulations to a firm in its situation. On May 8, 1972, a ruling is published which demonstrates that because of the regulations section, certain practices of B are not permissible.

Issue. Does this mean that the practices were not permissible from the time of the effective date of the regulation, or only that they will not be permitted after publication of the ruling?

Ruling. The practices were not permissible from the time of the effective date of the regulation. A published ruling represents the application of the existing law as expressed in the regulations to the particular facts involved. In appropriate circumstances, however, a ruling may indicate specifically that it is to be applied without retroactive effect. Unless otherwise indicated, a published ruling is to be applied with retroactive effect.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: December 4, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–21089 Filed 12–7–72;8:52 am]

[Price Commission Ruling 1972–285]

ELIMINATION OF RENT SUBSIDIES—WAGES AND SALARIES

Revocation of Price Commission Ruling

This ruling revokes Price Commission Ruling 1972–200, 37 F.R. 13278 (1972).

Because of the finalized recodification of the Pay Board regulations, the above ruling, which was a joint ruling, has been deemed no longer applicable.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: December 4, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–21090 Filed 12–7–72;8:52]

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; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 72–588]

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, a new paragraph (e)(10) relating to the State of Virginia is added to read:

(e) * * *

(10) *Virginia.* That portion of Southampton County bounded by a line beginning at the junction of the Virginia-North Carolina State line and Secondary Road 701; thence, following Secondary Road 701 in a northerly direction to State Highway 195; thence, following State Highway 195 in a northeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to Secondary Road 670; thence, following Secondary Road 670 in a Southeasterly direction to Secondary Road 743; thence, following Secondary Road 743 in a southeasterly, then southerly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to its junction with Secondary Road 701.

2. In § 76.2, in paragraph (e)(6) relating to the State of North Carolina, a new subdivision (iii) relating to Northampton County is added to read:

(e) * * *

(6) *North Carolina.* * * *

(iii) That portion of Northampton County bounded by a line beginning at the junction of the North Carolina-Virginia State line and Secondary Road 1339; thence, following Secondary Road 1339 in a southwesterly direction to Secondary Road 1333; thence, following Secondary Road 1333 in a southeasterly direction to Secondary Road 1337; thence, following Secondary Road 1337 in a southeasterly direction to Secondary Road 1344; thence, following Secondary Road 1344 in a southwesterly direction to Secondary Road 1343; thence, following Secondary Road 1343 in a southeasterly direction to Secondary Road 1341; thence, following Secondary Road 1341 in a northeasterly, then southeasterly direction to Secondary Road 1342; thence, following Secondary Road 1342 in a southeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to the Northampton-Hertford County line; thence, following the Northampton-Hertford County line in a northeasterly, then northwesterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with Secondary Road 1339.

(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, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Southampton County in Virginia and a portion of Northampton County in North 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 impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the 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 them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of December, 1972.

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

[FR Doc.72-21140 Filed 12-7-72;8:54 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 301—ESTABLISHMENT AND ORGANIZATION

Indian Tribe

Part 301, Subpart A, Title 13 of the Code of Federal Regulations (31 F.R. 11287, 16670 as amended at 32 F.R. 10365) is amended to provide for a definition of the term "Indian Tribe" as used in Chapter III of Title 13 of the Code of Federal Regulations.

Section 301.2 is amended by adding a new paragraph (w) to read as follows:

§ 301.2 Definitions.

* * * * *

(w) *Indian Tribe.* "Indian Tribe" when used without further designation means Indian Tribe, the governing body of a tribe, Indian nonprofit corporation restricted to Indians, authority or other tribal organization or entity or Alaskan Native Village.

This amendment will become effective on the date of its publication in the FEDERAL REGISTER (12-8-72).

Dated: November 28, 1972.

WILLIAM W. BLUNT, Jr.,
Acting Assistant Secretary for Economic Development Administration.

[FR Doc.72-21084 Filed 12-7-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-19-AD; Amdt. 39-1572]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Models With Volpar Tricycle Landing Gear

Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM, and 3TM Aircraft with Volpar tricycle landing gear (STC SA4-1531, STC SA111WE, STC SA1832WE or any other STC modification incorporating the provisions of this installation).

There has been a failure of the nose landing gear to extend from the retracted position, either by the normal electrical system or the emergency hand crank, on Beech 18/C-45 series aircraft with Volpar Tri-Gear installed. Subsequent investigation revealed that the oleo strut had collapsed allowing the nose gear fork assembly to jam on a protruding bolt of the nose walking beam assembly. This condition could occur as a result of failure of the strut valve, seals, or improper servicing of the nose landing gear shock strut assembly. Since this condition is likely to exist or develop in other airplanes with this installation, an airworthiness directive is being issued to require a modification to prevent possible interference between the nose landing gear fork assembly and the nose walking beam assembly on Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM, and 3TM aircraft with STC SA4-1531, STC SA111WE, STC SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-Gear installation. A cautionary note is also included to operators to emphasize the prudent practice of adequate preflight inspection.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BEECH: Applies to Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM, and 3TM aircraft certificated in all categories with STC SA4-1531, STC SA111WE, STC SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-Gear installation.

Compliance required as indicated.

To prevent possible failure of the nose landing gear to extend from the retracted position on those aircraft with Volpar Tri-Gear installed, accomplish the following:

For airplanes incorporating Volpar tricycle landing gear, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the Volpar nose walking beam assembly, P/N 261, in accordance with Volpar Service Bulletin No. 21, as revised 7 August 1972, or later FAA-approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: For bulletins, parts or service information contact:

Volpar, Inc., 16300 Stagg Street, Van Nuys, CA 91406. Phone 213—787-4393

NOTE: Pilots are cautioned to conduct a thorough preflight inspection in this area. A decal should be located on the nose gear shock strut housing listing the recommended strut inflation pressure.

This amendment becomes effective December 9, 1972.

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

Issued in Los Angeles, Calif., on November 28, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.72-21066 Filed 12-7-72;8:53 am]

[Docket No. 72-GL-4; Amdt. 39-1573]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

There have been reports of cracks initiating in the threads of the blade shanks or hubs of the subject propellers. In some instances these cracks have caused failures at the blade shanks or hubs with resultant loss of the blade. Since these conditions are likely to exist or develop in other aircraft with similar design propellers, an airworthiness directive is being issued to require rework or replacement of the propeller blades and hubs.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

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

MCCAULEY. Applies to the two-bladed constant speed series propeller Models E2A34C64(-)/90AT-8 and E2A34C73(-)/90AT-8 with the following blades and hubs installed on but not limited to the Cessna P206, A, B, C, D, E, and Cessna 210E, F, G, H, J, K, and L aircraft with Continental I0-520 series (normally aspirated) engines.

TABLE I—BLADE SERIAL NUMBERS

All Model 90AT-8 propeller blades with serial numbers not ending with suffix letter

"S" (Example: C238479Y is affected while C238479YS would not be affected).

TABLE II—HUBS MODELS AND SERIAL NUMBERS

Serial Nos. 64000 thru 699999 for the following hubs:

E2A34C64.	E2A34C73-A.
E2A34C64-A.	E2A34C73-J.
E2A34C73.	E2A34C73-K.

Compliance required as indicated, unless already accomplished. To prevent possible blade and hub failures, accomplish the following:

(a) Propellers with 775 or more total hours in service, must be reworked or replaced in accordance with paragraphs (d), and (e) or (f) as applicable within the next 25 hours in service after the effective date of this AD.

(b) Propellers with less than 775 total hours in service must be reworked or replaced in accordance with paragraphs (d), and (e) or (f) as applicable prior to the accumulation of 800 total hours in service.

(c) Propellers whose total hours in service are unknown will be assumed to have a total of 775 hours minimum and thus fall within the requirements for rework or replacement in accordance with paragraph (a).

(d) Rework affected propeller blades in accordance with McCauley Service Bulletin 100 dated October 30, 1972, or replace with Model 90AT-8 blades to which this AD does not apply.

(e) Rework affected Model E2A34C73(-) hubs in accordance with McCauley Service Bulletin 100 dated October 30, 1972, or replace with Model E2A34C73(-) hubs to which this AD does not apply.

(f) Replace affected Model E2A34C64(-) hubs with Models E2A34C73(-) hubs to which this AD does not apply, or which have been reworked in accordance with McCauley Service Bulletin No. 100 dated October 30, 1972. (The spinner shell and bulkhead must be replaced when converting from the E2A34C64(-) to the E2A34C73(-) model. A kit, Cessna P/N SK-210-45, is available for this purpose from the airplane manufacturer.)

(McCauley Bulletins No. 81 dated March 9, 1970, No. 87 dated November 6, 1970, No. 87-1 dated November 25, 1970, No. 87-2 dated April 21, 1971, No. 88 dated November 6, 1970, McCauley Service Manual 720415 and Cessna Service Letter No. 65-68 dated July 13, 1965, also pertains to this subject.)

This amendment becomes effective December 13, 1972.

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

Issued in Des Plaines, Ill., on November 29, 1972.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.72-21067 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-CE-19]

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

Alteration of Control Zone and Transition Area

On pages 20120 and 20121 of the FEDERAL REGISTER dated September 26, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Dodge City, Kans.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendments.

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

These amendments shall be effective 0901 G.m.t., February 1, 1973.

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

Issued in Kansas City, Mo., on November 17, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

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

DODGE CITY, KANS.

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Dodge City VORTAC extending clockwise from the 278° radial to the 059° radial of the Dodge City VORTAC, and within a 22-mile radius of the Dodge City VORTAC extending clockwise from the 059° radial to the 278° radial of the Dodge City VORTAC and within 4.5 miles east and 9.5 miles west of the Dodge City VORTAC 341° radial extending from the 13 mile radius area to 18.5 miles north of the VORTAC and within 4.5 miles east of and 9.5 miles west of the Dodge City VORTAC 160° radial extending from the 22-mile radius area to 30 miles south of the VORTAC.

2. In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

DODGE CITY, KANS.

Within a 5-mile radius of Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.).

[FR Doc.72-21069 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-CE-24]

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

Alteration of Transition Area

On page 20572 of the FEDERAL REGISTER dated September 30, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Parsons, Kans.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., February 1, 1973.

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

Issued in Kansas City, Mo., on November 17, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

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

PARSONS, KANS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Tri-City Airport (latitude 37°-19'52" N., longitude 95°30'32" W.); and within 3 miles each side of the 173° bearing from the Tri-City RBN extending from the 6.5-mile radius to 8.5 miles south of the RBN, and within 3 miles each side of the 008° bearing from the Tri-City RBN extending from the 6.5-mile radius to 8.5 miles north of the RBN, and that airspace extending upward from 1,200 feet above the surface 9.5 miles west of and 4.5 miles east of the 008° bearing of the Tri-City RBN extending from the airport to 18.5 miles north, excluding the Chanute, Kans., 700-foot transition area.

[FR Doc.72-21070 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-SW-36]

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

Alteration of Control Zone; Change of Effective Date

On September 14, 1972, F.R. Doc. 72-15633 was published in the FEDERAL REGISTER (37 F.R. 18614). This document amended Part 71 of the Federal Aviation Regulations and contained an amendment to the effective date of alteration of the Enid, Okla., control zone from October 12, 1972, to January 4, 1973. Subsequent to publication of the amended effective date, the Air Force advised a further delay in commissioning a new VORTAC on Vance Air Force Base, Okla., on which alteration of the Enid, Okla., control zone is predicated. This will delay the effective date of alteration of the control zone to May 24, 1973. Action is taken herein to amend the effective date.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, F.R. Doc. 72-15633 is amended to change the effective date of Airspace Docket No. 72-SW-36 from 0901 G.m.t., January 4, 1973, to 0901 G.m.t., May 24, 1973.

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

Issued in Fort Worth, Tex., on November 29, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-21068 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-SW-66]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Orange Grove, Tex., transition area.

On October 17, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21957) stating the Federal Aviation Administration proposed to designate a transition area at Orange Grove, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 1, 1973, as hereinafter set forth.

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

ORANGE GROVE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange Grove NALF (latitude 27°54'-03" N., longitdue 98°03'05" W.), within 2.5 miles each side of the NAS Kingsville TACAN 332° radial extending from the 5-mile area to 21 miles northwest of the NAS Kingsville TACAN and within 5 miles each side of the NAS Kingsville TACAN 31-mile arc extending from the 5-mile radius area to the NAS Kingsville TACAN 320° radial, excluding that portion that lies within the Alice, Tex., control zone.

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

Issued in Fort Worth, Tex., on November 29, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-21071 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-SO-85]

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

Alteration of Transition Area

On November 14, 1972, F.R. Doc. 72-19476 was published in the FEDERAL REGISTER (37 F.R. 24106), amending Part 71 of the Federal Aviation Regulations by altering the Laurinburg, N.C., transition area.

In the amendment, the basic radius of Laurinburg-Maxton Airport was cited as "6.5-mile" in lieu of "8.5-mile". It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 72-19476 is amended as follows: In line six of the description "* * * 6.5-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 November 29, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-21073 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-SW-67]

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

Designation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a new part-time control zone at Corpus Christi, Tex. (NALF Cabaniss Field).

On October 21, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 22754) stating the Federal Aviation Administration proposed to designate a new part-time control zone at Corpus Christi, Tex. (NALF Cabaniss Field).

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 1, 1973, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Corpus Christi, Tex. (NALF Cabaniss Field) part-time control zone is added as follows:

CORPUS CHRISTI, TEX. (NALF CABANISS FIELD)

Within a 5-mile radius of NALF Cabaniss Field (latitude 27°42'06", longitude 97°-26'17") excluding that airspace designated as the Corpus Christi (CRP) and Navy Corpus Christi (NGP) control zones. This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective hours, local time, will be: 0600-2200 Monday through Friday.

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

Issued in Fort Worth, Tex., on November 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-21072 Filed 12-7-72;8:53 am]

[Airspace Docket No. 72-CE-18]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 72-19397 appearing on page 24030 of the issue for Saturday, November 11, 1972, following "VORTAC" in the eighth line of the description of the Waterloo, Iowa, control zone, (§ 71.171), the following should be inserted: "200° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC;".

[Airspace Docket No. 72-RM-22]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On October 12, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 21543) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would revoke Restricted Area R-2601A and alter Restricted Areas R-2601B and R-2602 at Fort Carson, Colo.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 1, 1973, as hereinafter set forth.

In § 73.26 (37 F.R. 2343):

a. Restricted Area R-2601A, Fort Carson, Colo., is revoked.

b. Restricted Area R-2601B, Fort Carson, Colo., is amended, in part, as follows:

(1) In the title "R-2601B" is changed to read "R-2601".

(2) Under "Boundaries", in the fourth line following "latitude 38°42'04" N., longitude 104°49'34" W.;" add "to latitude 38°42'40" N., longitude 104°49'19" W.;" into the boundary description.

(3) Under "Designated altitudes", following "Surface to 35,000 feet MSL." add "35,000 feet MSL to 60,000 feet MSL, by NOTAM issued 24 hours in advance."

c. Restricted Area R-2602 is amended, in part, as follows: Under "Designated altitudes" following "Surface to 35,000 feet MSL." add "35,000 feet MSL to 60,000 feet MSL, by NOTAM issued 24 hours in advance."

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

Issued in Washington, D.C., on December 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-21074 Filed 12-7-72;8:53 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2301]

PART 13—PROHIBITED TRADE PRACTICES

Sanford Levinson et al.

Correction

In F.R. Doc. 72-19950 appearing at page 24741 of the issue for Tuesday, November 21, 1972, the following changes should be made:

1. In the fifth line of the italicized material beginning with *"In the matter of"* in the first column on page 24741, a comma should be inserted following *"Modern Decorators"*.

2. In paragraph 15 in the third column on that page, the word "fact" should read "face".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Miscellaneous Amendments

Part 882, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

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

1. Section 882.21 is revised to read as follows:

§ 882.21 Initiating a recommendation.

Any person, other than the recommendee, having knowledge of the act, achievement, or service, believed to warrant the award of a decoration, may initiate a recommendation for the award. Preferred recommendations are those initiated by the person's commander or supervisor at the time the act, achievement, or service, was performed.

2. Section 882.24 is amended by revising subparagraph (5) of paragraph (a) and adding a new subparagraph (5) to paragraph (b) to read as follows:

§ 882.24 Special entitlements.

(a) *Increase in retired pay.* * * *

(5) Air Force commanders having final awarding authority, for the Silver Star, Distinguished Flying Cross (noncombat heroism), and the Airman's Medal will, when they approve the award for enlisted personnel, forward the approved recommendation, including a copy of the special orders announcing the award and the citation, to USAFMPC/DPMSAA, Randolph Air Force Base, Tex. 78148, for processing to the Secretary of the Air Force for a determination. Each case will include the evaluation/recommendation of the commander of the approving headquarters and the major commander, as to whether or not extraordinary heroism in line of duty was involved in the action which resulted in award of the decoration.

* * * * *

(b) *Medal of Honor recipients.* * * *

(5) *Promotion.* Enlisted personnel who are awarded the Medal of Honor will be authorized one automatic promotion in grade.

3. Section 882.25 is amended by adding a new subdivision (iv) to paragraph (e)(4) and by revising subdivision (i) of paragraph (k)(5) to read as follows:

§ 882.25 Military decorations.

(e) * * *

(4) * * *

(iv) The Commander, U.S. Military Advisory Command, Vietnam, for posthumous award in the Degree of Officer to Vietnamese general or flag officers, subject to concurrence by U.S. Embassy, Saigon.

* * * * *

(k) *Air Force Commendation Medal (AFCM).* * * *

(5) Awarded for: (i) U.S. military personnel below the grade of brigadier general. Outstanding achievement or meritorious service rendered specifically on behalf of the Air Force, acts of courage which do not meet the requirements for award of the Airman's Medal or Bronze Star Medal, and sustained meritorious performance by crewmembers may be considered for award of the Air Force Commendation Medal. (The Air Force Commendation Medal will not be awarded to general or flag officers for achievement or services performed while serving in a general or flag officer grade.) It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers and airmen whose achievements and services meet the prescribed standards. Superior performance of duty or attainment of honors based solely on academic achievement (such as graduating with honors from an NCO academy or other course of instruction) does not, in itself, constitute justification for an award of the Air Force Commendation Medal. Appropriate remarks on effectiveness and performance reports, favorable communications, locally developed certificates and command special trophies and awards provide ample means of recognizing the high caliber performance expected of Air Force personnel. Awards should be restricted to the recognition of achievements and services which are clearly outstanding and unmistakably exceptional when compared to similar achievements and accomplishments of personnel of like rank and responsibilities. The successful accomplishment of a predesignated number of tasks or functions is not a valid basis for an automatic award. However, unusual and extraordinary sustained performance may be used as a point of departure in justifying meritorious achievement or service. In instances where many persons are affiliated with an exceptionally successful program, project, or mission, the Air Force Commendation Medal should be awarded only to the relatively few individuals whose contributions clearly stand out from the others, and who have contributed most to the success of the program.

* * * * *

4. Section 882.31 is amended by revising subparagraph (2) of paragraph (e), by redesignating paragraphs (f) and (g) to (g) and (h), respectively, and by adding a new paragraph (f) to read as follows:

§ 882.31 Nonmilitary decorations.

* * * * *

(e) *Department of Defense Medal for Distinguished Public Service.* * * *

(2) Established by: Department of Defense Directive 1432.1, April 30, 1959, which was superseded by Department of Defense Directive 1432.2, November 16, 1970.

* * * * *

(f) *Department of Defense Meritorious Award.* (1) Description of award: A certificate signed by the Secretary of Defense.

(2) Established by: Department of Defense Directive 5410.2, January 15, 1953, which was superseded by Department of Defense Directive 1432.2, November 16, 1970.

(3) Awarded to: Organizations, including corporations, associations, and other groups.

(4) Awarded by: Secretary of Defense.

(5) Awarded for: Outstanding contributions to the national defense effort involving the material furtherance of an established Department of Defense program and requiring considerable effort on the part of the organization concerned in the planning and execution of the service rendered. This award will not be used to recognize the efforts of industrial organizations which meet or exceed Department of Defense production quotas.

* * * * *

5. Section 882.45 is amended by revising paragraph (a) to read as follows:

§ 882.45 Requesting authorization to accept a foreign decoration.

(a) *Action by recipient.* When a person, as described in § 882.43 receives or makes token acceptance of a decoration, not covered by § 882.42 nor specifically prohibited by § 882.46, he must immediately submit through military channels a letter addressed to the appropriate approval authority indicated in § 882.44 requesting authority to accept the decoration. This requirement includes all medals or ribbons awarded to members of the Air Force by multilateral organizations, other than the United Nations.

The letter requesting approval must include:

* * * * *

6. Section 882.54a is amended by revising paragraphs (b) and (c), by adding a sentence to the end of paragraph (d), and by changing the time limitation from 4 to 3 years in paragraph (e) to read as follows:

§ 882.54a Combat Readiness Medal.

* * * * *

(b) *Requirements for award.* An awardee must have completed an aggregate of 3 years of sustained professional performance as an Air Force combat ready aircrew or missile launch crewmember assigned to an operational unit subject to the Combat Readiness Rating System under Joint Chiefs of Staff Publication 6, Volume V, or as a weapons director, Air Force Specialty Code (AFSC) 17xx, aircraft control and warning operator, technician, or superintendent, or electronic warfare countermeasure technician, AFSC 273xx, an Aerospace Rescue and Recovery Service helicopter aircrew member, or as a member of a combat control team. During this period, the member must have been:

* * * * *

(c) *Method of award.* The wing/group director of operations will notify the awardee's servicing Consolidated Base Personnel Office (CBPO) by letter when a crewmember has fulfilled the requirements for award of the CRM. The letter will be filed in the unit personnel records group and will be authority for entries on personnel records according to AFM 35–14 or 30–3.

(d) *Initial award.* * * * The certificate will be filed in the unit personnel records group. Entries on personnel records will be according to AFM 35–14 or 30–3.

* * * * *

7. Section 882.55 is amended by revising subparagraph (1) of paragraph (b) to read as follows:

§ 882.55 Good Conduct Medal and Air Force Good Conduct Medal.

* * * * *

(b) *Requirements for award*—(1) *Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation), or by court martial or record of punishment under Article 15, Uniform Code of Military Justice (UCMJ). For this purpose, suspended punishment under Article 15, UCMJ, is not considered punishment unless the suspension is vacated and ordered into execution. If such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 972 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15, UCMJ. Any period of service covered by a "referral" Airman Performance Report, as defined in AFM 39–62, is disqualifying for the award of the medal.

* * * * *

8. Section 882.55a is amended by revising subparagraph (1) of paragraph (b) and the note immediately following paragraph (c) to read as follows:

§ 882.55a Outstanding Airman of the Year ribbon.

* * * * *

(b) *Requirements for award.* * * *

(1) Twelve outstanding airmen of the year selected by a HQ USAF board from nominees submitted by major commands.

* * * * *

(c) *Retroactive awards.* * * *

NOTE: Criteria, policies, and procedures for selecting outstanding airmen of the year are provided each year by the Office of the Air Force Chief of Staff. Inquiries concerning the outstanding airmen of the year program will be made to SAF/OIIA, Washington, D.C. 20330; those concerning the distinguished first term reenlistees of the Air Force will be made to USAFMPC/DPMMB, Randolph Air Force Base, Tex. 78148. Ribbons for award to eligible airmen are procured from USAFMPC/DPMSAB, Randolph Air Force Base, Tex. 78148, which is the sole source of supply for these ribbons. Airmen entitled to the ribbon under previously announced criteria will retain their eligibility for the ribbon.

9. Section 882.66 is amended by revising paragraph (b) to read as follows:

§ 882.66 Antarctica Service Medal.

* * * * *

(b) *Requirements for award.* The medal is awarded to the following for service during the period January 1, 1946, to a date to be subsequently established by the Secretary of Defense. For the purpose of this section, Antarctica is defined as the area south of latitude 60° south.

(1) Any member of the Armed Forces or civilian citizen, national, or resident alien of the United States who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations in Antarctica.

(2) Any member of the U.S. Armed Forces or any civilian citizen, national, or resident alien of the United States who participates or has participated in a foreign Antarctic expedition in Antarctica in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates or has participated in flights as a crewmember of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations in Antarctica.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(5) Any person, including a citizen of a foreign nation, who does not meet requirements in subparagraphs (1), (2), (3), or (4) of this paragraph if:

(i) He has participated or participates in a U.S. expedition to Antarctica at the invitation of a participating U.S. agency, and

(ii) The commander of the military support force, as senior U.S. representative in Antarctica, considers that he has performed outstanding and exceptional service and shared the hardships and hazards of the expedition. (These awards may be made by the secretary of the department under whose cognizance the expedition falls. No minimum time limits of participation are prescribed. No person may receive more than one award of the medal.)

* * * * *

10. Section 882.67 is amended by revising paragraph (f) to read as follows:

§ 882.67 Armed Forces Expeditionary Medal.

* * * * *

(f) *Conversion to the Vietnam Service Medal.* Any person who qualified for award of the Armed Forces Expeditionary Medal (AFEM), or a service star to it, based on participation in the Vietnam operation between July 1, 1958, and July 3, 1965, inclusive, may apply for award of the Vietnam Service Medal (VSM) instead of the AFEM.

(1) Active duty personnel and Air Reserve Forces personnel who so qualify may apply to the custodian of their unit personnel records group; he is authorized to change record entries and issue the VSM in lieu of the AFEM.

(2) Qualified personnel who are in a retired (pay) status (except retired general officers and personnel carried on temporary disability retired lists (TDRL)) and personnel who have completely separated from the service may apply in writing to NPRC/MPR–AF, 9700 Page Boulevard, St. Louis, MO 63132. NPRC is authorized to make necessary records corrections and issue the VSM.

(3) General officers in a retired (pay) status, and personnel who are carried on the TDRL, will forward application for conversion to USAFMPC/DPMSAA, Randolph Air Force Base, Tex. 78148.

(4) All personnel who apply for conversion must concurrently return the medal originally issued, or make a statement that:

(i) The medal was never issued, or

(ii) The medal was issued but has been lost or destroyed without fault or neglect of the recipient.

(5) Only one conversion may be made; reconversion from the VSM to the AFEM is not authorized. Personnel who qualified for a service star to the AFEM by virtue of their participation in the Vietnam operation, as cited above, may apply to convert the service star only to the VSM, without affecting the basic AFEM which was earned in an operation other than Vietnam. However, no person will be entitled to the AFEM (or service star) and the VSM based solely on his service in an area for which the Vietnam Service Medal has been authorized.

* * * * *

11. Section 882.68 is amended by revising paragraph (b) to read as follows:

§ 882.68 Vietnam Service Medal.

* * * * *

(b) *Requirements for award.* The medal is awarded to any member of the Armed Forces of the United States serving in Vietnam, or contiguous waters or air space, including service in Thailand, Laos, Cambodia, or the air space thereover, on or after July 4, 1965, and before a terminal date to be announced later. The following types and degrees of participation are required to qualify as a member:

* * * * *

12. Section 882.101 is revised to read as follows:

§ 882.101 General criteria for granting unit awards.

Unit awards are granted to military units that distinguish themselves during peacetime or in action against hostile forces or an armed enemy of the United States. When a unit award is made to an organization, component units of the organization may share the award and display the award elements authorized. Higher organizations of which a recipient unit is a component are not entitled to share in the award.

(a) *To preserve the integrity of unit awards.* (1) (i) Clearly and distinctly—by nature and magnitude—place the unit's performance significantly above that of other units of similar composition and mission responsibility.

(ii) Can be recognized appropriately in no other way, for example, one-of-a-kind units that preclude comparison with other units.

(2) Only one is granted for the same act, achievement, or service. Another award may be given to the same unit for another act or achievement performed during the period it was decorated for meritorious service.

(3) The unit's entire service must have been honorable during or subsequent to the time of the distinguished act, achievement, or meritorious service.

(b) *To extend the award to unit personnel*—(1) *Military personnel.* A device such as a ribbon or oak leaf cluster (depending on the type of award) is worn on the uniform to denote the member's contribution to a cited unit's performance.

(2) *Civilian personnel.* Civilian personnel will be awarded lapel buttons for wear on their civilian clothing, if they:

(i) Were serving with a cited unit, organization, or activity during a period for which it was awarded the Air Force Outstanding Unit Award (AFOUA) or the Air Force Organizational Excellence Award (AFOEA); and

(ii) Contributed to the achievements of the cited unit.

13. Section 882.102 is amended by revising paragraphs (a) and (c) and the note following paragraph (d) to read as follows:

§ 882.102 Elements of the award.

At a presentation ceremony, the elements of the award include:

(a) Streamer (embroidered, if appropriate, with the name of act or period of service). A unit, organization, or activity that is not authorized a flag or guidon will not be issued a streamer, even though it meets all other requirements.

* * * * *

(c) Certificate (for Air Force Outstanding Unit Award and Air Force Organizational Excellence Award only).

* * * * *

NOTE: When a second or subsequent award is presented to the same unit, a separate streamer, if authorized, will be used.

14. Section 882.103 is amended by revising paragraph (b) to read as follows:

§ 882.103 Inheritance of unit awards.

* * * * *

(b) *Disbanded and discontinued units.* Except as stated in AFP 210-1-4, these units' awards may not be inherited by any unit on the active or inactive list. The elements of such awards will be forwarded to ASI/HS, Maxwell Air Force Base, Ala. 36112, where they will be preserved as a record of historical interest.

15. Section 882.104 is amended by revising paragraph (b) and adding a new paragraph (e) to read as follows:

§ 882.104 Definitions.

* * * * *

(b) *Unit award.* Special recognition of heroism, outstanding achievement, or meritorious service of a military unit. It also includes awards made to organizations or activities (see § 882.106a).

* * * * *

(e) *Combat zone.* The region or area where combat operations are in progress. For Southeast Asia operations, this includes service in the Republic of Vietnam, Thailand, and Cambodia.

16. Section 822.105 is amended by revising paragraph (c) and subparagraph (3) of paragraph (d) to read as follows:

§ 882.105 Presidential Unit Citation (PUC) and Distinguished Unit Citation (DUC).

* * * * *

(c) *Qualification for award.* The citation is awarded for extraordinary heroism in action against an armed enemy occurring on or after December 7, 1941. The unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions as to set it apart and above other units participating in the same campaign. The degree of heroism required is the same as would warrant the award of an Air Force Cross to an individual. An extended period of combat duty or the participation in a large number of operational missions is not sufficient. Only on rare occasions will a unit higher than a wing qualify for this award.

NOTE: The PUC will not be awarded to any unit or component of a unit for an act for which either was previously awarded the AFOUA or the AFOEA.

(d) *Display and wear.* * * *

(3) *Wear of Air Force and Navy PUC emblems.* (i) The design of the Navy PUC emblem differs from that of the Army and Air Force emblems. A person entitled to wear the Navy emblem may wear it on the Air Force uniform, whether or not he is entitled to wear the Air Force emblem (blue ribbon with gold wreath metal frame).

(ii) A person entitled to wear the DUC or PUC emblem based on award of the DUC before 1965 will wear an oak leaf cluster on it to denote an additional entitlement based on award of the PUC to an Air Force unit during or after 1965.

17. Section 882.106 is revised to read as follows:

§ 882.106 Air Force Outstanding Unit Award (AFOUA).

The AFOUA was established by the Secretary of the Air Force, as announced in DAF General Order 1, January 6, 1954. It is awarded by the Secretary of the Air Force. Except for Air National Guard units that are not on extended active duty, authority to disapprove recommendations for award of the AFOUA is delegated to major commanders. Major commanders will return all recommendations disapproved by them to the recommending officials and forward all approved recommendations to the awarding authority.

(a) *Description*—(1) *Streamer.* The blue swallow-tailed streamer has a narrow red-band center bordered by white lines, and red bands at each edge separated from the blue by white lines. The name of the action, the achievement, or the inclusive dates of the period of service are embroidered in white. When the AFOUA is awarded for combat or direct combat support actions, a letter V is embroidered in white on the streamer preceding the name of the action or period of service for which the award was made. Authorized abbreviations may be used for lengthy names of the action or achievement. Each award of the AFOUA is represented by a separate streamer.

(2) *Individual ribbon.* The ribbon is the same color as the streamer described in subparagraph (1) of this paragraph, without the gold frame. When awarded for combat or direct combat support action, a bronze letter V is worn on the ribbon. Only one such V is authorized for wear on the ribbon. When oak leaf clusters are worn on the ribbon, the letter V is placed to the right of the cluster(s).

(3) *Certificate.* The engraved certificate bears a replica of the ribbon and is embossed with the DAF seal. It identifies the unit decorated; indicates the date(s) of the act or achievement, or the inclusive period of service for which the award was made; and is signed by the Secretary of the Air Force. The certificate is suitable for framing and display and is issued only to the unit receiving the award. The awarding authority issues the

certificate. (Award of individual certificates to each person entitled to wear the ribbon was discontinued on May 8, 1964.)

(4) *Citation.* The citation is a short narrative description of the act, achievement, or service for which the award was made. It is read during the presentation ceremony and may be framed for display with the certificate.

(5) *Special order.* A special order announces this award. It is not essential at the time of the presentation ceremony and may be furnished later. Copies of the special order are not issued to persons entitled to this award nor placed in individual personnel records.

(b) *AFOUA lapel button.* The AFOUA lapel button is a civilian award. It is used exclusively to recognize Air Force civilians assigned or attached to units awarded the AFOUA who contributed to the achievements of a cited unit on or after January 6, 1954 (when the AFOUA was established). AFR 40–470 tells how to determine civilian eligibility, issue the buttons, and post the award in civilian records. The buttons will be procured through normal supply channels.

(c) *Combat V device.* Effective November 15, 1961, AFOUA's awarded for combat or direct combat support actions entitle the cited unit to have a letter V embroidered on the streamer. The combat-distinguishing V device provides distinctive recognition to units that were physically located in a combat zone, as defined in paragraph (e) of § 882.104, and to units located outside the zone which provided strike, reconnaissance, and interdiction missions over the combat zone during the period for which they were awarded the AFOUA. HQ USAF will review past awards of the AFOUA and indicate in AFP 900–2 units that are entitled to the V device. No changes will be made on the citation and certificate accompanying prior awards of the AFOUA.

(d) *Types of units to receive award.* The AFOUA is not awarded to any organization above division level. It is awarded above wing level only under the most unusual circumstances. It is awarded only to numbered units (as specified in AFP 210–1–4) of:

(1) The Armed Forces of the United States, including provisional units established in connection with emergency requirements of joint exercise which meet the requirements in paragraph (e) of this section.

(2) The Reserve components that meet the requirements for the award as prescribed in paragraph (e) of this section.

(3) Friendly foreign nations, when achievement or service is in connection with military operations in a designated combat zone as defined in § 882.104(e).

(e) *Qualification for award.* The AFOUA is awarded for exceptionally meritorious service or exceptionally outstanding achievement that clearly sets the unit above and apart from similar units. Heroism may be involved, but it is not essential. The service or achievement may be in:

(1) Performance of exceptionally meritorious service of national or international significance.

(2) Accomplishment of a specific outstanding achievement of national or international significance. (An outstanding achievement award is intended to recognize a single specific act or accomplishment that is separate and distinct from the normal mission or regular function of the unit. The period of an outstanding achievement is normally short and characterized by definite beginning and ending dates. The specific achievement must be sufficiently outstanding to be readily distinguishable from meritorious service and must clearly warrant immediate recognition. The award of a unit decoration in recognition of a single act of heroism or a single outstanding achievement does not necessarily preclude an award for meritorious service according to subparagraph (1) of this paragraph. In such instances, and to avoid duplication, the previously recognized act or outstanding achievement cannot be included in the justification for the subsequent award.)

(3) Combat operations against an armed enemy of the United States.

(4) Military operations involving conflict with or exposure to hostile actions by an opposing foreign force.

NOTE: The AFOUA will not be awarded to any unit or unit component to recognize an act for which either was awarded the PUC.

(f) *Component units sharing in the Air Force Outstanding Unit Award.* (1) The recommending official will determine, on the basis of their contributions to the achievement or service rendered, the component units that will share in the award.

(2) The parent organization will consider its operationally detached units for the AFOUA. Such units will not share in the award of the AFOUA to the host organization. This does not preclude the personnel concerned from sharing in the award of the AFOUA to the host organization on an individual basis.

(3) Air Reserve and Air National Guard units not in active Federal service may share in awards as component units, provided their contributions to the service being recognized are adjudged to merit recognition.

(g) *Attached personnel sharing in the Air Force Outstanding Unit Award.* (1) Attached personnel (including temporary duty or permanent party) may be permanently entitled to the AFOUA ribbon on an individual basis, if they directly contributed to the mission and accomplishments of the cited unit.

(i) The commander of the cited unit will confirm entitlement of such personnel to wear the individual ribbon (whether they were attached by oral or written orders) by issuing a letter that:

(*a*) States the name of the individual.

(*b*) Certifies his entitlement.

(*c*) Specifies the designation of the cited unit to which he was attached.

(*d*) States the authority for the award (order number, date, and headquarters of issue).

(*e*) Indicates the inclusive dates of the award.

(ii) File the original letter in the member's unit personnel records and give a copy to the member.

(2) The permanent party personnel (instructors, faculty staff, overhead, etc.) in a training or school unit that has been cited will be permanently awarded the ribbon. Temporary duty or pipeline students will not be awarded the ribbon, because they have not directly contributed to the unit's mission accomplishments.

(3) Military members of the other Armed Forces of the United States who are attached to Air Force units awarded the AFOUA may share in the award, provided their contributions to the recognized service merit this recognition.

(4) Personnel assigned to detachments of the 1030th U.S. Air Force Auditor General Group will not be entitled to an AFOUA awarded to the host unit, nor will they be entitled on an individual basis by a letter from the commander of the cited unit as described in subparagraph (1) of this paragraph.

(h) *Display and wear.* The AFOUA is worn and displayed in the same way that the PUC and DUC are (see § 882.105(d)).

18. A new § 882.106a is added to read as follows:

§ 882.106a Air Force Organizational Excellence Award (AFOEA).

The AFOEA was established on August 26, 1969, by the Secretary of the Air Force and is awarded by him. Authority to disapprove recommendations for awards of the AFOEA is delegated to major commanders, including commanders of separate operating agencies. Commanders will return all recommendations disapproved by them to the recommending officials and forward all approved recommendations to the awarding authority.

(a) *Description*—(1) *Certificate.* The engraved certificate bears a replica of the ribbon and is embossed with the DAF seal. It identifies the organization or activity decorated and indicates the date(s) of the act or achievement or the inclusive period of service for which the award was made. The certificate is suitable for framing and display and is issued only to the organization or activity that receives the award. The awarding authority issues the certificate. Individual certificates are not issued to persons entitled to the AFOEA.

(2) *Citation.* The citation is a short narrative description of the act, achievement, or service for which the award was made. It is read during the presentation ceremony and may be framed for display with the certificate indicated in subparagraph (1) of this paragraph.

(3) *Special order.* A special order announces this award. It is not essential at the time of the presentation ceremony and may be furnished later. Copies of the special order are not issued to persons entitled to the award nor placed in individual personnel records.

(4) *Individual ribbon.* The ribbon worn on the uniform by military personnel is predominantly red with a narrow blue band center bordered by white lines; and blue bands at each edge separated by white lines. It is worn without a gold frame.

(i) When the AFOEA is awarded for combat or direct combat support actions, a bronze letter V is worn on the ribbon. However, only one V may be worn.

(ii) An oak leaf cluster is worn on the ribbon to denote each subsequent award of the AFOEA. When an oak leaf cluster is worn, the letter V will be placed to its right.

(iii) The AFOEA ribbon ranks in precedence with the AFOUA and is worn immediately following it, the PUC, or individual decorations.

(5) *AFOEA lapel button.* The lapel button is used exclusively to recognize Air Force civilians who were assigned or attached to, and contributed to the achievement of, the cited organization or activity. It is a colored enamel reproduction of the ribbon worn by military personnel. AFR 40–470 explains how to determine civilian eligibility, how the button is issued, and how the award is posted in civilian records. The buttons are procured through normal supply channels.

(6) *Combat V devices.* An organization awarded the AFOEA for combat or direct combat support is entitled to a combat V device on the citation, the certificate, and the streamer (if authorized).

(b) *Types of organizations or activities eligible to receive the AFOEA.* (1) The AFOEA is awarded to Air Force internal organizations that are organizational entities within larger organizations. The organizations are unique, unnumbered organizations or activities that perform staff functions as well as functions normally performed by numbered wings, groups, squadrons, etc. Some examples of organizations and activities that would be eligible for award of the AFOEA are: The air materiel area directorates, system project offices, Rapid Area Supply Support, etc.

(2) It may be awarded to similar organizations or activities of the other services of the Armed Forces of the United States.

(3) It is not awarded to organizations or elements of foreign armed forces.

NOTE: The primary reason for establishing the AFOEA was to provide an award similar to the AFOUA to recognize the achievements and accomplishments of unnumbered Air Force organizations or activities. (Award of the AFOUA is restricted to numerically designated units or establishments as defined in AFP 210–1–4.) The AFOEA takes precedence with, but after, the AFOUA. Units that have been awarded or that qualify for award of the AFOUA and organizations and activities assigned to staff agencies of the Air Staff, at Department of Air Force level, or at major command or separate operating agency level are not eligible for award of the AFOEA.

(c) *Qualification for award.* The qualification criteria for the AFOEA are the same as those prescribed for the AFOUA in paragraph (e) of § 882.106.

(d) *Display and wear.* As prescribed in § 882.105(d). (A streamer is not normally awarded with the AFOEA, because unnumbered organizations or activities are not authorized flags or guidons on which to display the streamer.)

(e) *Presentation of AFOEA award elements.* When possible, elements of the AFOEA will be presented in accordance with standard procedures. However, if the organization or activity was discontinued before approval of the award, the certificate, citation, and special order, will be forwarded to the benefitting command or other appropriate agency. To insure maximum publicity, awards of the AFOEA will be included in AFP 900–2 and made available for publication in official Air Force news media to publicize the awards, particularly for the benefit of persons who have left the organization or activity before approval of the award.

19. Section 828.120 is amended by revising the introductory text and paragraph (b) to read as follows:

§ 882.120 Presidential Service Badge and Certificate.

The Presidential Service Badge and the Presidential Service Certificate were established by Executive Order 11174, September 1, 1964, and amended by Executive Order 11407, April 23, 1968, and Executive Order 11520, March 25, 1970. This award replaces the White House Service Badge and Certificate established by Executive Order 10879, June 1, 1960.

* * * * *

(b) *Requirements for award.* The award is by direction of the President to Armed Forces personnel assigned to duty in the White House Office or ot military units and support facilities under the administration of the Military Assistant to the President for a period of at least 1 year subsequent to January 20, 1969, as recognition—in a permanent way—of their contribution in the service of the President. Time spent in one of the eligible White House activities awaiting proper clearance may not be counted toward the 1-year minimum. Other conditions of award are as follows:

* * * * *

21. A new § 882.120a is added to read as follows:

§ 882.120a Vice Presidential Service Badge and Certificate.

The Vice Presidential Service Badge and the Vice Presidential Service Certificate were established by Executive Order 11544, July 8, 1970.

(a) *Description of awards*—(1) *Vice Presidential Service Certificate.* This certificate bears a replica of the Vice Presidential Service Badge and is signed by the Military Assistant to the Vice President and the Service Secretary.

(2) *Vice Presidential Service Badge.* The badge consists of a white enameled disc surrounded by 27 gold rays radiating from the center. Superimposed on the white disc is a gold color device taken from the seal of the Vice President of the United States, within 50 gold color encircling stars.

(b) *Requirements for award.* Awarded in the name of the Vice President to members of the Armed Forces who have been assigned to duty in the Office of the Vice President for a period of at least 1 year subsequent to January 20, 1969. Time spent awaiting proper clearance may not be counted toward the 1-year minimum. Other conditions of award are as follows:

(1) The person (formerly, currently, or subsequently on duty at the Office of the Vice President) must be recommended for the award by the Military Assistant to the Vice President.

(2) Only one Vice Presidential Service Badge is awarded to a person regardless of the number of certificates he receives. Subsequent Administrations may award additional certificates (but not badges) to him.

(3) The certificate and badge may be awarded posthumously.

(c) *Responsibilities of award recipients.* Each recipient is required to sign a receipt for his certificate and badge, which will be serially numbered. The Vice Presidential Service Badge, once earned, becomes a permanent part of the recipient's uniform and may be worn after he leaves Vice Presidential service.

21. Section 882.121 is amended by revising paragraph (b) to read as follows:

§ 882.121 Combat Crewmember Badge.

* * * * *

(b) *Criteria for wear.* The Combat Crewmember Badge is worn only by those personnel serving in positions in which they are accruing creditable service toward award of the Combat Readiness Medal, as defined in § 882.54a(b).

22. Section 882.122 is revised to read as follows:

§ 882.122 Office of the Secretary of Defense Identification Badge.

(a) *Description.* The badge consists of an eagle with wings displayed horizontally grasping three crossed arrows of gold and bearing on its breast a shield paleways of 13 pieces argent and gules a chief azure, in enamel, a gold annulet passing behind the wing tips bearing 13 gold stars above the eagle and a wreath of laurel and olive in green enamel below the eagle, the whole superimposed on a silver sunburst of 33 rays, 2 inches in diameter.

(b) *Requirements for wear.* This badge is worn by military personnel who have been issued a certificate of eligibility after they have been assigned to duty in an authorized position charged against the OSD personnel ceiling and have served at least 1 year, after January 13, 1961, in OSD at the seat of Government. This includes:

(1) Immediate offices of the Secretary and Deputy Secretary of Defense;

(2) Office of the Director of Defense Research and Engineering;

(3) Offices of the Assistant Secretaries of Defense;

(4) Office of the General Counsel of the Department of Defense;

(5) Offices of the Assistants to the Secretary of Defense or Deputy Secretary of Defense; and

(6) Office of the Defense Advisor, U.S. Mission to NATO.

NOTE: The person must have served in a position of responsibility that contributed to the creation, development, or coordination of policies, principles, or concepts, pertaining to a primary function. Persons holding a certificate of eligibility for wearing the badge, earned before January 13, 1961, may continue to wear the badge. Personnel authorized to wear the badge may continue to wear it following reassignment from duty with OSD. The Assistant Secretary of Defense (Administration) will provide the badge at no expense to a member whose certificate is approved after July 1, 1968.

(10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-21081 Filed 12-7-72;8:52 am]

PART 888d—ENLISTMENT AND DISCHARGE OF AFROTC CADETS

Part 888d, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
888d.0 Purpose.
888d.2 Definitions.
888d.4 Enlistment obligation.
888d.6 Enlistment prerequisites.
888d.8 Periods of enlistment.
888d.10 Who enlists applicants.
888d.12 PAS action at time of enlistment.
888d.14 Failure to complete training or accept commission.

AUTHORITY: The provisions of this Part 888d issued under 10 U.S.C. 8012, except as otherwise noted.

§ 888d.0 Purpose.

(a) This part prescribes enlistment requirements for students selected for membership in the College Scholarship Program (CSP) and the Professional Officer Course (POC), AFROTC, under Chapter 103, 10 U.S.C. It also prescribes the policies and procedures for enlistment in the U.S. Reserve (USAFR); for discharge from the USAFR; and for ordering certain discontinued members to extended active duty (EAD) involuntarily in their enlisted grade.

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

§ 888d.2 Definitions.

(a) *AFROTC category agreement (AF Form 1056).* A contractual agreement jointly executed by a student and the Department of the Air Force. The agreements established membership in the College Scholarship Program (CSP) or Professional Officer Course (POC).

(b) *College Scholarship Program (CSP).* A program in which selected cadets receive educational financial assistance including tuition, fees, laboratory expenses, book allowances, and a monthly subsistence allowance. This program is prescribed under 10 U.S.C. 2107.

(c) *General Military Course (GMC).* The first and second years of the 4-year program consisting of Aerospace Studies 100 and 200.

(d) *Prior service applicant.* A former member of the Armed Forces or the reserve components of the Armed Forces who served a continuous period of active duty or active duty for training (ACDUTRA) of 6 months or more.

(e) *Professional Officer Course (POC).* The third and fourth years of the 4-year program and the first and second years of the 2-year program consisting of Aerospace Studies 300 and 400. This advanced training is prescribed under 10 U.S.C. 2104.

§ 888d.4 Enlistment obligation.

Each student selected for a scholarship award by the Commandant, AFROTC, or selected for POC membership must enlist in the USAFR under this part before being eligible to enroll as a member of the POC or CSP.

§ 888d.6 Enlistment prerequisites.

An applicant must meet the prerequisites for enlistment prescribed in Part 888b of this subchapter, and the eligibility requirements for admission to membership in the POC or CSP according to Part 870 of Subchapter H of this chapter.

§ 888d.8 Periods of enlistment.

Applicants enrolled in the CSP will be enlisted for a period of 8 years. All others will be enlisted for a period of 6 years.

§ 888d.10 Who enlists applicants.

Professors of aerospace studies (PAS) and other officers assigned to AFROTC may enlist an eligible applicant in the USAFR.

§ 888d.12 PAS action at time of enlistment.

The PAS (or his designated representative):

(a) Completes counseling requirements according to Part 888b of this subchapter, and Part 870 of Subchapter H of this chapter.

(1) *AF Form 22, Statement of Understanding (U.S. Air Force Reserve).* Each student enlisted under this part must certify that the applicable provisions are understood. If the student is under 18 years of age when AF Form 22 is completed, the signature of parent or guardian is required.

(2) *DD Form 4, Enlistment Contract—Armed Forces of the United States.* Prepare according to Part 888b of this subchapter. Exceptions are:

(i) Item 12—Enter "AFR 45-14 AFROTC."

(ii) Item 44—Enter "AFROTC Qual."

(iii) Item 56—Type in "I understand that in computing length of service for any purpose (except male enlistees fulfilling their 6-year military service obligation (MSO) under 10 U.S.C. 651) an officer appointed through the senior ROTC program may not be credited with service either as a cadet or concurrent enlisted service. If commissioned through this program I will remain a member of a Regular or Reserve component until the sixth anniversary of receipt of such commission. If the Air Force does not require fulfillment of my active duty service commitment, and in lieu thereof I am ordered to active duty for training for a period of not more than 6 months, I will remain a member of a Reserve component until the eighth anniversary of the receipt of my commission."

(3) *DD Form 44, Record of Military Status of Registrant.* When the applicant enlists, preparation of DD Form 44 will be accomplished and distributed in accordance with Part 870 of Subchapter H of this chapter. (Required for male enlistees only.)

(4) *AF Form 2061, USAF Drug Abuse Certificate.* Before enlistment, applicant completes AF Form 2061 in accordance with Part 870 of Subchapter H of this chapter; disposition is made in accordance with AFR 30-19.

(5) *AF Form 2031, Drug Abuse Circumstances.* Accomplish AF Form 2031 in accordance with Part 870 of Subchapter I of this chapter; disposition is made in accordance with AFR 30-19.

(b) Determines the grade in which applicant will be enlisted.

(c) Publishes Reserve orders in accordance with AFM 10-3, Chapter 3, assigning enlistee to ARPC (ORS) (AFROTC) with attachment to _____. (Specify AFROTC detachment and educational institution.)

§ 888d.14 Failure to complete training or accept commission.

(a) *General Military Course (College Scholarship Program).* No GMC cadet will be ordered to active duty involuntarily.

(b) *Professional Officer Course (Nonscholarship).* A cadet who does not complete the course of instruction, or declines to accept a commission upon completion, may be ordered to active duty to serve in enlisted status for 2 years.

(c) *Professional Officer Course (College Scholarship Course).* A cadet who:

(1) Does not complete this program of instruction may be ordered to active duty in enlisted status for 2 years; or

(2) Completes this program of instruction, but declines a commission when offered, may be ordered to active duty in enlisted status for 4 years.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-21082 Filed 12-7-72;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGD 72-207R]

PART 1—GENERAL PROVISIONS

Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

Correction

In F.R. Doc. 72-20366 appearing on page 25167 of the issue for Tuesday, November 28, 1972, in Table 1.26-5(b) the figure in the cost column opposite (7) (i), reading "18.00", should read "14.00".

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Endothall

A petition (PP 1F1057) was filed by the Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance of 0.2 part per million for negligible residues of endothall (7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity potatoes from use of its mono-*N*,*N*-dimethylalkylamine salt as a desiccant.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance from 0.2 to 0.1 part per million (negligible residue).

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

1. The pesticide chemical is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.293 is revised to read as follows:

§ 180.293 Endothall; tolerances for residues.

Tolerances are established for negligible residues of the defoliant and desiccant endothall (7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid) from use of its mono-*N*,*N*-dimethylalkylamine salt, wherein the alkyl group is the same as in the fatty acids of coconut oil, in or on the raw agricultural commodities cottonseed and potatoes at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11-8-72).

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

Dated: December 4, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-21103 Filed 12-7-72;8:56 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart 1060.2—OEO Income Poverty Guidelines (Revised) (OEO Instruction 6004-1d)

Subpart 1060.2 of Part 1060 of Chapter X of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
1060.2-1 Applicability of this subpart.
1060.2-2 Background.
1060.2-3 Policy.
Appendix A.

AUTHORITY: The provisions of this Subpart 1060.2 authorized under sec. 602(n), 81 Stat. 714, 42 U.S.C. 2942.

§ 1060.2-1 Applicability of this subpart.

This subpart applies to all programs financially assisted under title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

§ 1060.2-2 Background.

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were based on poverty thresholds derived from a definition of poverty developed for statistical purposes by the Social Security Administration in 1964. In September 1968, in January 1970, in December 1970, and in November 1971, OEO issued new guidelines which reflected increases in consumer prices.

§ 1069.2-3 Policy.

(a) In order that the level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, OEO revises, from time to time, its income guidelines in order to reflect such increases. Attached are the latest revised income guidelines.

(b) These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or delegate agency, which use OEO poverty income guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO submitted after October 1972. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State title XIX standards used in programs funded by the Office of Health Affairs.

(c) These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

WESLEY L. HJORNEVIK,
Deputy Director.

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1	$2,100	$1,800
2	2,725	2,325
3	3,450	2,950
4	4,200	3,575
5	4,925	4,200
6	5,550	4,725
7	6,200	5,275

For families with more than 7 members, add $650 for each additional member in a nonfarm family and $550 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR ALASKA

Family size	Nonfarm family	Farm family
1	$2,625	$2,250
2	3,425	2,925
3	4,325	3,700
4	5,250	4,475
5	6,175	5,275
6	6,950	5,925
7	7,750	6,600

For families with more than 7 members, add $800 for each additional member in a nonfarm family and $700 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

Family size	Nonfarm family	Farm family
1	$2,425	$2,075
2	3,150	2,700
3	4,000	3,400
4	4,850	4,125
5	5,675	4,850
6	6,400	5,475
7	7,150	6,100

For families with more than 7 members add $750 for each additional member in a nonfarm family and $650 for each additional member in a farm family.

[FR Doc.72-21152 Filed 12-7-72;8:55 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

[CGD 72-68R]

PART 177—CONSTRUCTION AND ARRANGEMENT

Fire Protection

The purpose of these amendments to small passenger vessels regulations is to achieve uniformity in approval of materials for fibrous glass reinforced plastic (FRP) construction. The Coast Guard has found that vessels of fibrous glass reinforced plastic that are constructed with resins that are not fire retardant (F/R) do not have sufficient protection against fires. The amendments in this document are made to minimize such hazards on small passenger-carrying vessels constructed of fibrous glass reinforced plastic.

These amendments were proposed in a notice of proposed rule making published in the February 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 3425) and in the Merchant Marine Council Hearing agenda (CG-249) dated March 29, 1971. The proposed amendments in this document were identified as item PH 9-71. A public hearing was held on March 29, 1971, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. Extension of time to submit written comments on the proposals was granted by a notice published in the April 10, 1971, issue of the FEDERAL REGISTER (36 F.R. 6902).

Eleven written comments were received on Item PH 9-71. In general, the comments evidenced confusion regarding the implementation and application of the proposed amendment. In order to eliminate possible sources of confusion, the original proposal was withdrawn, and a new amendment was published in the April 6, 1972, issue of the FEDERAL REGISTER (37 F.R. 6947). Interested persons were requested to participate in this proposed rule making by submitting written comments by May 8, 1972.

The Coast Guard received 38 comments as a result of the April 6, 1972, notice of proposed rule making to require fire retardant resin in the construction of small commercial vessels as described by 46 CFR Subchapter T, Part 177 (CGD 72-68P, 37 F.R. 6947).

1. Seven vessel operators expressed a fear that the Coast Guard was putting them out of business. They are carrying six (6) passengers or less, therefore, 46 CFR Subchapter T does not apply.

2. Nine commenters agreed with the proposal. These were from: A retired CWO, U.S. Navy; a Boating Safety Advisory Council member; boat manufacturers; a naval architect-marine engineering firm; and resin manufacturers.

3. Twenty-two commenters opposed the proposal for one or more reasons. They were from: Resin manufacturers, boat manufacturers, lawyer representing industry association and fibrous glass producers. The Coast Guard found no justification in any of their statements for the reasons discussed below:

a. The rule will put party boat operators out of business. The rule does not affect boatowners whose boats are under 65 feet in length and are under 100 gross tons and are only carrying 6 passengers or less for hire. The present wording of the rule allows an owner or operator 6 months after publication of this rule to have his vessel certificated. Existing vessels that are certificated prior to this time may continue in service.

b. The use of F/R resins: Increases the overall cost of the boat; delays mold time; are harder to wet out; suffers a loss of physical properties; will limit construction systems; and increases the overall weight of the boat.

Fire retardant resins are more expensive than standard resins; however, the total cost of a boat would not increase over 1-2 percent due to the use of resins specified under MIL-R-21607. In our opinion, a 2 percent higher boat price is not unreasonable in order to gain a significant improvement in fire safety. These resins have all of the handling characteristics of general purpose resins such as cure time, glass wet out, viscosity, specific gravity, laminate strength and the same laminating techniques. With today's materials and know-how when using the various polyester catalysts and promoter systems that are available, mold time can be controlled. The fire retardant resin is a little heavier due to the fire retardant properties. The weight of the F/R resin is approximately 1.25 pounds per cubic foot while the G/P resin is approximately 1.10 pounds per cubic foot. Since there is no need for additional glass, the weight increase is considered negligible.

c. There is a limited source of F/R resins and it is unfair to require 1 year outdoor weathering for these resins.

The chemical industry has more than enough production capacity to convert the boating industry to fire retardant resins in all of their large boats. There are five suppliers of 24 different accepted types of MIL-R-21607 F/R resins now on file. The test for fire retardancy after 1 year outdoor weathering is a necessity since it is known that some fire retardant additives leech out after weathering. The presently accepted resins have the fire retardant properties inherently bonded into the resin at the time of manufacture.

d. MIL-R-21607 does not represent the advanced technology that is available today nor is it necessarily well suited for marine application.

MIL-R-21607 is in need of a slight revision to include the outdoor weathering requirement contained in proposal CGD 72-68P. It is presently being revised by the U.S. Navy with the cooperation of industry. To say that F/R resins are not necessarily well suited for marine use is questionable since the U.S. Navy, U.S. Coast Guard, and two major boat manufacturers use F/R resins in the fabrication of their boats, also it is known that four or five other major pleasure boat manufacturers use F/R resins in the fabrication of their fuel tanks for safety reasons.

e. F/R resins will not prevent fires caused by gasoline engines, poor ventilation, improper wiring, or galley stoves. Prohibit the use of gasoline engines and require diesel engines.

No claim is made that F/R resins will stop fires from galley stoves, gasoline engines, poor ventilation, improper wiring; however, these are not the only sources of fires. Fire can also start with a child playing with matches, a cigarette, etc. Whatever the source, F/R resins will be slower to ignite, and in some cases will not ignite at all. All in all, its use will allow more time to extinguish the fire since it will be contained in one area by not spreading as a fire will using G/P resins. The use of diesel engines in lieu of gasoline engines is one step in the right direction for removing the source of fire.

f. Fire retardant resin doesn't offer much protection against fire for the cost. Burns like wood; why is wood accepted? Wood and aluminum burn and melt, are you going to require F/R wood and aluminum?

Fire retardant resins add a great measure of safety in the event of a fire regardless of its source for the small added cost involved which is approximately 1-2 percent for the overall cost of the finished boat. The fact that general purpose resin laminates burn two to four times as fast as ordinary wooden construction and are easier to ignite and are

also subject to early structural collapse is sufficient reason to consider G/P resin systems dangerous. At the present time F/R FRP laminate construction is not included in Subchapter T regulations. The main purpose of this proposal is safety and to bring the FRP construction up to the level of wood used in a similar construction.

g. The handling of F/R resins makes people ill. Excess smoke and toxic products will be generated.

The Navy and the Coast Guard for their boats, and the Coast Guard Office of Merchant Marine Safety, for lifeboats have required the use of fire retardant resins for over 15 years. In handling resins, polyesters or epoxy, general purpose or fire retardant, there is always the possibility that it may affect some people. Some people cannot handle the glass material without breaking out in a rash. The infection of dermatitis is more likely to be due to the unusual degree of exposure to solvents under extreme weather conditions. Skin tests done on rabbits showed no skin irritation, using seven types of polyester fire retardant resin. Products of combustion, chemical, and toxicological tests using rats indicated that the laminates being tested were no more toxic than those of plywood. Chemical analysis of the volatile products of combustion showed no hazardous accumulation of gases. (These reports are available.) Regardless of what the material is, anything that burns will emit toxic gas.

h. There should be other ways to achieve this fire retardant requirement other than the use of F/R resins: such as intumescent paints. The regulations should be on a performance basis to permit reduction of fire hazards by several means.

Other means of obtaining equal fire retardancy without using fire retardant resins will be given special consideration. The use of intumescent paint over FRP fuel tanks has been tried. There is no doubt that the use of intumescent paint retards fire for a short time. However, from the inquiries made to paint manufacturers this type of paint cannot stand weathering. The fire retardant properties leech out. This in essence means that it is no good on an open boat or in the bilges unless the bilges can be kept dry at all times or the boat can be kept out of the weather which in most cases is an impossible task.

i. Why not selective placement of retardant system? Selective placement could be possible if one could determine the source of fire and location. Selective placement would be of benefit, but could not insure the degree of protection desired.

j. The widespread and necessary use of other combustibles such as wood would support combustion. Why F/R resins for hull, why not a fire standard for all materials used?

It is agreed that the widespread use of combustibles for interior finishes and decor can surely add to the intensity of a fire and also to the rapidity which it spreads. The fact remains, however, that in cases where general purpose resins are used, they burn more fiercely and spread more rapidly than common wooden materials used in construction. The general intent of this regulation is to minimize fire hazards insofar as reasonable and practicable.

k. A joint industry/Coast Guard committee should be established to study the issue. Through various meetings with industry the point in question, i.e., the use of fire retardant resins has been settled, therefore, it is not planned to establish another joint industry/Coast Guard study group on this issue.

l. We are concerned that we cannot meet OSHA (Occupational Safety and Health Act) Standards for our employees if this resin is used extensively in our plant. OSHA requirements allow 100 parts of styrene in the air per million parts. This condition could prevail regardless of the resins used, i.e., general purpose or fire retardant resins. Therefore, it is a question of proper ventilation.

One minor nonsubstantive change has been made to the original proposal which clarifies that an existing vessel must continue in service as a small passenger vessel carrying 150 passengers or less to remain certificated.

In consideration of the foregoing, Subchapter T of Title 46 of the Code of Federal Regulations is amended as follows:

1. By amending § 177.10–5 and adding paragraphs (a–1) and (a–2) to read as follows:

§ 177.10–5 Fire protection.

* * * * *

(a–1) Except for a vessel complying with the requirements contained in paragraph (a–2) of this section, each hull, structural bulkhead, deck, or deckhouse made of fibrous glass reinforced plastic on each vessel that carries 150 passengers or less must be constructed with fire retardant resins, laminates of which have been demonstrated to meet military specification MIL–R–21607 after a 1-year exposure to weather. Military specification MIL–R–21607 may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, PA 19120.

(a–2) Each hull, structural bulkhead, deck, or deckhouse, made of fibrous reinforced plastic on a vessel that carries 150 passengers or less, that was certificated on July 11, 1973, and remains certificated may continue in service. Any repairs must be as follows:

(1) Minor repairs and alterations must be made to the same standard as the original construction or a higher standard; and

(2) Major alterations and conversions must comply with the requirements of this subpart.

* * * * *

(R.S. 4405, as amended (46 U.S.C. 375), sec. 3, 70 Stat. 152 (46 U.S.C. 390b), R.S. 4462, as amended (46 U.S.C. 416), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b))

Effective date. These amendments shall become effective on January 11, 1973.

Dated: December 1, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72–21110 Filed 12–7–72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 87—AVIATION SERVICES

Station Identification

Order. In the matter of editorial amendment of § 87.115 of the FCC rules and regulations.

1. By this order, it is intended to clarify § 87.115(e)(1) of the rules, namely that the identification procedure therein described is intended for use by U.S. registered aircraft operating in the Unitel States. The procedure therein described comports with accepted radio technique for use in the United States.

2. Because the rule presently is ambiguous in this regard, and because some confusion has resulted thereby, the words "operating in the United States" will be added to the rule subparagraph in order to clarify that the procedure is for use by U.S. registered aircraft operating in the United States.

3. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. In view of the above: *It is ordered,* That the rule amendment set forth below shall be adopted effective December 15, 1972.

Adopted: December 4, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBERT,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.115(e)(1) of the rules is amended to read as follows:

§ 87.115 Station identification.

* * * * *

(e) * * *

(1) U.S. registered aircraft operating in the United States:

* * * * *

[FR Doc.72–21155 Filed 12–7–72;8:56 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-37; Notice No. 72-23]

CONTRACT CARRIERS OF MAIL BY MOTOR VEHICLE

Exemptions for Lightweight Mail Trucks

The Director of the Bureau of Motor Carrier Safety is exempting lightweight mail trucks, their drivers, and motor carriers who operate them, from certain provisions of the Motor Carrier Safety Regulations.

On May 31, 1972, the Director issued an announcement that the Bureau regards motor carriers of mail who operate in interstate or foreign commerce under contract with the U.S. Postal Service as being within the regulatory jurisdiction of the Department of Transportation under section 204 of the Interstate Commerce Act, 49 U.S.C. 304 (37 F.R. 11781). At the same time, the Director stated that he was considering taking administrative action to permit exemptions from certain provisions of the Motor Carrier Safety Regulations for motor carriers who transport the mail using small, lightweight motor vehicles.

As noted in the notice of proposed rule making, transportation of mail in lightweight vehicles consists, according to the Postal Service, generally of single-vehicle operations conducted by an individual who will sometimes use members of his family to drive. The operations are essentially local delivery services traversing a small geographic area. Furthermore, the Postal Service has said that it is prepared to exercise adequate surveillance of these carriers to insure that they operate safely.

After reviewing the comments received in response to the notice, the Director has concluded that the case for creating a lightweight vehicle exemption with respect to mail carriers remains valid. One organization representing common carriers attacked the proposed exemption, arguing that, by exempting a segment of the for-hire carrier industry from regulation (those doing business with the Postal Service), it would invidiously discriminate against other contract and common carriers who operate lightweight vehicles. The carriers in question, however, are unique. This is the case not only because the overwhelming majority are so small but also because their sole customer—both consignor and consignee—is an executive agency which exercises an unusual degree of surveillance over their operations. Since these small carriers do not operate large fleets in over-the-road operations, there is every reason to believe that the Postal Service can adequately regulate their safety performance. Consequently, in light of the circumstances, the Director has decided that an exemption for lightweight mail-carrying vehicles and carriers that operate them is reasonable.

Instead of being phrased in terms of the loaded weight of the vehicle, as proposed, the exemption is being drafted to specify that vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or less will be entitled to special treatment. This change was made to accommodate the comments of the Postal Service, which pointed out that mail-carrying vehicles are not ordinarily weighed after they are loaded, and that it would be impractical to weigh them on a trip-by-trip basis to determine whether the exemption applies.

Distinctions between vehicle types based on their gross vehicle weight ratings are common in the motor vehicle industry, and the 10,000-pound figure is generally considered the borderline between light- and medium-weight vehicles. The owner of a truck knows what its gross vehicle weight rating is, because the manufacturer will almost always provide that information in the owner's manual, or on a label attached to the vehicle, or in both ways. Hence, the use of the 10,000-pound gross vehicle weight rating appears to be a more apt benchmark than reference to the carrying capacity of the vehicle, as one comment suggested. Another comment asked the Director to extend the exemption to encompass all straight trucks, i.e., vehicles which are not designed or used to tow other vehicles. However, straight trucks may be large, heavy, over-the-road vehicles, and exempting them all would not further the purpose of this rule making: Protection of the public from highway accidents.

In consideration of the foregoing, Subchapter B of Chapter III in Title 49 CFR is amended as set forth below. These amendments are effective on January 15, 1973.

These amendments are issued pursuant to section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on December 4, 1972.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

PART 391—QUALIFICATIONS OF DRIVERS

I. Section 391.2 of Part 391 is amended by adding a new paragraph (f), reading as follows:

§ 391.2 General exemptions.

* * * * *

(f) *Lightweight mail truck drivers.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

(1) Is used exclusively to transport mail under contract with the U.S. Postal Service; and

(2) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

PART 392—DRIVING OF MOTOR VEHICLES

II. Section 392.1 of Part 392 is revised to read as follows:

§ 392.1 Scope of the rules in this part.

(a) *General.* Except as provided in paragraphs (c) and (d) of this section, every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

(b) *Additional rules.* Nothing in Parts 390–397 of this subchapter prohibits a motor carrier from requiring and enforcing more stringent rules and regulations relating to safety of operation.

(c) *Intracity operations.* The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16 of this subchapter.

(d) *Lightweight mail trucks.* The rules in this part do not apply to a vehicle that has a manufacturer's gross vehicle weight rating of 10,000 pounds or less and is wholly engaged in transporting mail under contract with the U.S. Postal Service or to the driver of that vehicle.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

III. Section 393.1 of Part 393 is revised to read as follows:

§ 393.1 Scope of the rules in this part.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, every motor carrier, and its officers, agents, drivers, representatives, and employees directly concerned with the installation and maintenance of equipment and accessories shall comply and be conversant with the requirements and specifications of this part, and no motor carrier shall operate any vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(b) *Intercity operations.* The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16 of this subchapter.

(c) *Lightweight mail trucks.* The rules in this part do not apply to a vehicle that has a manufacturer's gross vehicle weight rating of 10,000 pounds or less and is wholly engaged in transporting mail under contract with the U.S. Postal Service.

PART 394—NOTIFICATION, REPORTING, AND RECORDING OF ACCIDENTS

IV. Section 394.1 of Part 394 is revised to read as follows:

§ 394.1 Scope of the rules in this part.

(a) *General.* The rules in this part establish duties of motor carriers to make reports and keep records of accidents which occur during their operations.

(b) *Application.* Except as provided in paragraph (c), the rules in this part apply to all motor carriers.

(c) *Exemptions.* The rules in this part do not apply to—

(1) Private carriers engaged wholly in farm-to-market agricultural transportation as defined in § 394.5; or

(2) Motor carriers engaged wholly in transporting mail under contract with the U.S. Postal Service in vehicles that have a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

(d) *Other reporting requirements.* Related rules pertaining to the filing of incident and accident reports by motor carriers transporting hazardous materials are set forth in Part 171 of this title.

PART 395—HOURS OF SERVICE OF DRIVERS

V. Section 395.1 of Part 395 is revised to read as follows:

§ 395.1 Compliance with, and knowledge of, the rules in this part.

(a) *General.* Except as provided in paragraph (b) of this section, every motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the rules in this part, and every motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with the rules in this part.

(b) *Lightweight mail trucks.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

(1) Is used exclusively to transport mail under contract with the U.S. Postal Service; and

(2) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

PART 396—INSPECTION AND MAINTENANCE

VI. Section 396.1 of Part 396 is revised to read as follows:

§ 396.1 Scope of the rules in this part.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles shall comply and be conversant with the rules in this part.

(b) *Intracity operations.* The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16 of this chapter.

(c) *Lightweight mail trucks.* The rules in this part do not apply to a motor carrier or driver wholly engaged in transporting mail under contract with the U.S. Postal Service in motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

[FR Doc.72-21132 Filed 12-7-72;8:55 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 5400, 5441, 5442, 5450, 5451, 5461, 5463]

SALES OF FOREST PRODUCTS

Timber Sale Contract Procedures

The purpose of this amendment is to update the regulations relating to timber sale contracts and bidding procedures. These changes include definition of "loading point," permission to submit a payment bond to assure payment for timber to be cut, revision and clarification of bidding procedures, provision for the resale of timber involved in uncompleted contracts, and extension of the maximum term for a timber contract from 30 to 36 months.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until January 8, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.). Group 5400 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. In § 5400.0–5 a new paragraph (m) is added to read as follows:

§ 5400.0–5 Definitions.

* * * * *

(m) "Loading point" means any landing or other area in which logs are capable of being loaded for transportation out of the contract area: *Provided, however,* That right-of-way timber which has been cut shall not be considered to be at a loading point until such time as logs from any source are actually transported over that portion of the right-of-way.

2. In § 5441.1–1 the last sentence is amended to read as follows:

§ 5441.1–1 Bid deposits.

* * * The deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer unless the deposit is a corporate surety bid bond or a bond is accepted by the Bureau to secure payment of the first installment.

3. Subpart 5442 is revised to read as follows:

Subpart 5442—Bidding Procedure

§ 5442.1 Bidding.

(a) Bidding at competitive sales shall be conducted by the submission of sealed bids, written bids, oral bids, or a combination of bidding methods as directed by the authorized officer.

(b) In sealed bid sales, the bidder submitting the highest sealed bid shall be declared the high bidder. In the event of a tie in high sealed bids, the high bidder shall be determined by lot from among those who submitted the tie bids.

(c) In oral auction sales, submission of the required minimum bid deposit and a written bid at not less than the advertised appraised price shall be required to participate in oral bidding. The officer conducting the sale shall declare a specific period, prior to oral bidding on each tract, during which bid deposits and written bids may be submitted. Bid deposits and written bids also may be submitted any time prior to the specific period declared by the officer conducting the sale. Oral bidding to determine the high bidder shall begin from the highest written bid after closure of the submittal period. In the event there is a tie in high written bids, and no oral bidding occurs, the bidder who was the first to submit his bid deposit and written bid shall be declared the high bidder.

(d) If the officer conducting the sale cannot determine who made the first submission of high tie written bids, the high bidder shall be determined by lot. The declared high bidder must confirm his oral bid in writing immediately after the sale, but failure to do so shall not relieve him of his purchase obligation.

§ 5442.2 Resale of timber from uncompleted contracts.

(a) Except as otherwise provided in this section, in the resale of timber remaining from an uncompleted timber sale contract, no bid will be considered from any person, or from an affiliate of such person, who failed to complete the original contract because of: (1) Cancellation for purchaser's breach; or (2) failure to cut designated timber on portions of the sale area and complete payment by the expiration date. As used in this section: "person" means an individual, partnership, corporation, or association; an "affiliate" means a person who controls or is controlled by another person.

(b) The provisions of paragraph (a) of this section shall apply only: (1) When 50 percent or more of the timber included in the resale is timber remaining from the uncompleted contract; or (2) when imposed because of failure to cut designated timber on portions of the sale area and to complete payments by the expiration date on contracts awarded after the effective date of this regulation.

§ 5442.3 Rejection of bids; waiver of minor deficiencies.

When the authorized officer determines it to be in the interest of the Government to do so, he may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

§ 5450.1 [Amended]

4. In § 5450.1 the third sentence of paragraph (a) and the first sentence of paragraph (b) are amended by changing "required performance bond" to read "required performance bond and any required payment."

5. Subpart 5451 is amended as follows: The heading of Subpart 5451 is amended by changing "Performance Bond" to read "Bonds", the heading of § 5451.1 is amended by changing "Minimum bond requirements; types." to read "Minimum performance bond requirements; types."; § 5451.2 is revised, the heading of § 5451.3 is amended by changing "Bond reduction" to read "Performance bond reduction", and a new § 5451.4 is added. As amended Subpart 5451 reads as follows:

Subpart 5451.1—Minimum Performance Bond Requirements; Types

§ 5451.2 Performance bonds in excess of minimum.

(a) In order to obtain permission for the delayed payment of the first installment, the purchaser must increase the minimum performance bond required by § 5451.1(a) by an amount equal to the first installment. The increased bond must be on a form approved by the Director and upon completion must be approved by the authorized officer. If a bond of corporate surety is used, the bond shall provide that the surety will make payment to the Bureau of the amount of the increase within 60 days after demand therefor by the Bureau whenever the purchaser shall fail to make payment as required by § 5461.2(a)(2) of this chapter.

(b) The authorized officer may permit the cutting of timber before payment of the second or subsequent installments as provided in this paragraph. The purchaser must increase the minimum performance bond required by § 5451.1(a) by an amount equal to one or more installment payments. The adjusted bond must be approved by the authorized officer in writing prior to cutting any timber under the adjusted bond. The unenhanced value of timber allowed to be cut in advance of payment is limited to the amount of the increase over and above the minimum performance bond required

by § 5451.1(a). The increased amount of the bond shall be used to assure payment for such timber. Payment for timber cut pursuant to this paragraph may be made in installments. Upon payment, the increased amount of the bond may be applied to other timber sold under the contract to permit its cutting in advance of payment.

§ 5451.3 **Performance bond reduction.**

* * * * *

§ 5451.4 **Payment bond.**

The authorized officer may permit (a) the cutting and removal of timber, or (b) the removal of timber already cut which has been secured by an increased performance bond as provided for in § 5451.2(b), before payment of the second or subsequent installments as provided in this section. The purchaser must obtain a payment bond in an amount equal to one or more installment payments. The payment bond may be a bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department and executed on an approved form or negotiable securities of the United States. The payment bond must be approved by the authorized officer in writing prior to cutting or removing any timber under the bond. The unenhanced value of timber allowed to be cut and/or removed in advance of payment is limited to the amount of the payment bond. The amount of the bond shall be used to assure payment for such timber. Timber cut pursuant to this section shall be paid for as provided in § 5461.2(a)(4) of this chapter. Upon payment, the amount of the bond may be applied to other timber. If a bond of a corporate surety is used, the payment bond shall provide that if the purchaser fails to make payment as required by § 5461.2(a)(4) of this chapter, the surety will make such payment including any required interest to the Bureau within 60 days after demand therefor by the Bureau. With the written approval of the authorized officer a single blanket payment bond may be allocated to two or more contracts with the same purchaser in the same Bureau of Land Management administrative district.

§ 5461.1 [Amended]

6. In § 5461.1, the first sentence is amended by changing the reference "§ 5451.2" to read "§§ 5451.2 and 5451.4."

7. In § 5461.2, paragraph (a)(2) is revised and paragraphs (a)(3) and (4) are added. As amended § 5461.2 reads as follows:

§ 5461.2 **Installment payment requirements.**

(a) Contract installment payments shall be determined by authorized officer as follows:

* * * * *

(2) *Delayed payment of first installment.* Payment of the first installment required in subparagraph (1) of this paragraph may be delayed if the purchaser increases the performance bond as permitted by § 5451.2(a) of this chapter. If delayed payment of first installment is approved by the authorized officer, cash payment for that installment must be made either before the cutting or removing of the last portion of timber sold under the contract having a value equal to the amount of the first installment or at any time the Bureau exercises its authority to cancel the rights of the purchaser under the terms of the contract, whichever occurs first.

(3) *Payment under bond authorized by § 5451.2(b) of this chapter.* The first installment shall be paid in the same manner as provided in subparagraphs (1) and (2) of this paragraph. If cutting is permitted before payment, as provided by § 5451.2(b) of this chapter, payment by installment shall be made before timber may be skidded or yarded to a loading point or removed from the contract area. Each subsequent installment shall be due and payable without notice when the sale value of the timber skidded or yarded to a loading point or removed equals the sum of all the payments minus the first installment.

(4) *Payment under bond authorized by § 5451.4 of this chapter.* The first installment shall be paid in the same manner as provided in subparagraphs (1) and (2) of this paragraph. If cutting and/or removal is permitted before payment, as provided by § 5451.4 of this chapter, the purchaser shall be billed monthly for timber skidded or yarded to a loading point or removed from the contract area and for any related road maintenance fees unless a lesser period is agreed to by the Bureau and the purchaser. Payment shall be made within 15 days of the billing date shown on the billing form.

§ 5463.1 [Amended]

8. In § 5463.1 the words "thirty months" are changed to read "thirty-six months."

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 4, 1972.

[FR Doc.72-21087 Filed 12-7-72;8:53 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Expenses and Rate of Assessment and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee during the period from November 1, 1972, through October 31, 1973, will amount to $400,800; (2) that there be fixed, at $0.012 per carton of oranges, the rate of assessment payable by each handler in accordance with § 907.41 of the aforesaid marketing agreement and order; and (3) that unexpended funds in excess of expenses incurred during the fiscal year and ended October 31, 1972, in the amount of $30,000, be carried over as a reserve in accordance with § 907.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 4, 1972.

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

[FR Doc.72-21096 Filed 12-7-72;8:53 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Findings and Determinations Regarding Continuation in Effect of Marketing Agreement and Order

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER on September 7, 1972 (37 F.R. 18099), that a referendum would be conducted among the producers who, during the period September 1, 1971, through August 31, 1972 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in the State of California in the production of olives for market as packaged olives to determine whether a majority of such producers favor the termination of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period November 1 through November 15, 1972, both dates inclusive, it is hereby found and determined that the termination of the said amended marketing agreement and order, regulating the handling of olives

grown in California, is not favored by the requisite majority of such producers.

Dated: December 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-21097 Filed 12-7-72;8:53 am]

[7 CFR Part 1002]

[Docket No. AO-71-A65]

MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Notice of Reconvened Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

This notice is supplemental to the notices of hearing issued October 12, 1972 (37 F.R. 22000) and November 14, 1972 (37 F.R. 24357). Notice is hereby given that the hearing that was adjourned sine die in Syracuse, N.Y., on November 21, 1972, by the Administrative Law Judge delegated to hold said hearings and presiding thereover, will reconvene in session at 9:30 a.m., December 19, 1972, at Valle's Steak House, 2803 Erie Boulevard East, Syracuse, N.Y., with respect to the proposed amendments previously announced to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The hearing originally was called 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), and said hearing is being reconvened under the same authority and rules.

The purpose of the reconvened hearing, as originally announced, is to receive additional evidence with respect to the economic and marketing conditions relevant to the previously announced proposed amendments, and any appropriate modifications thereof, to the tentative marketing agreement and to the marketing order. Evidence already received in previous sessions of the hearing will not be repeated or duplicated.

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York, NY 10017, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may there be inspected.

Signed at Washington, D.C, on December 4, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-21139 Filed 12-7-72;8:54 am]

Animal and Plant Health Inspection Service

[9 CFR Part 112]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Packaging and Labels

Notice is hereby given in accordance with the provisions contained in section 553(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 112 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

Part 112 is amended to include packaging in the title; to clarify the requirements for final container labels, carton labels, and enclosures; to authorize change of labels to comply with special requirements of foreign countries; to provide package requirements for liquid biological products; to amend the label requirements for sterile diluent other than bacterins; to provide subsidiary label requirements; to provide directions for submission of labels to Veterinary Services; to authorize packaging of desiccated vaccine without diluent when not required; to provide special label requirements for rabies vaccine, bovine rhinotracheitis vaccine, and inactivated bacterial products; to provide special packaging and labeling requirements when products are to be for export only; to provide labeling requirements for biological products to be imported for research and evaluation; and to provide for special packaging and labeling requirements.

Part 112 is amended to read:

PART 112—PACKAGING AND LABELS

Sec.
112.1 Applicability.
112.2 Final container label, carton label, and enclosure.
112.3 Diluent labels.
112.4 Subsidiaries, distributors, permittees.
112.5 Review and approval of labeling.
112.6 Packaging desiccated products.
112.7 Special additional requirements.
112.8 For export only.
112.9 Biological products to be imported for research and evaluation.
112.10 Special packaging and labeling.

AUTHORITY: The provisions of this Part 112 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

§ 112.1 Applicability.

Unless otherwise authorized or directed by the Deputy Administrator, each biological product prepared at a licensed establishment or imported shall be packaged and labeled as prescribed in this part before it is removed from the licensed establishment or presented for importation: *Provided,* That biological products to be imported for research and evaluation shall be subject to packaging and labeling requirements as may be issued pursuant to § 112.9.

(a) No person shall apply or affix, or cause to be applied or affixed, any label, stamp, or mark, to any carton or final container of a biological product prepared or received in a licensed establishment or imported that is false or misleading in any particular or is not in compliance with the regulations.

(b) No person shall alter, mark, or remove any label or mark on any carton or final container of a biological product so as to falsify the label or make it misleading.

(c) Labels stamped, printed, or glued directly on cartons and final containers, shall be legible throughout the dating period. Biological products shall be withheld from the market if such labels have been altered, mutilated, destroyed, obliterated, or removed.

§ 112.2 Final container label, carton label, and enclosure.

(a) Unless otherwise provided, final container labels, carton labels, and enclosures (inserts, circulars, or leaflets) shall include the information specified in this section.

(1) The principal part of the true name of the biological product which name shall be identical with that shown in the product license or special license under which such product is prepared, or the permit under which it is imported, shall be prominently lettered and placed giving equal emphasis to each word composing it. Descriptive terms used in the true name on the product license, special license, or permit shall also appear. Abbreviations of the descriptive terms may be used on the final container label if complete descriptive terms appear on a carton label and enclosures;

(2) If the biological product is manufactured in the United States, the name and address of the manufacturer (licensee or subsidiary) or if the biological product is manufactured in a foreign country, the name and address of the permittee and of the foreign manufacturer;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms respectively: "U.S. Veterinary License No. ------," or "U.S. Vet. License No. ------," or "U.S. Veterinary Permit No. ------," or "U.S. Vet. Permit No. ------;" the word (Special) shall be added to indicate a special license when applicable.

(4) Instructions to store the biological product at a temperature of not over 45° F. or 7° C.;

(5) Full instructions for the proper use of the product, including vaccination schedules, warnings, cautions, and the like: *Provided,* That in the case of very small final container labels or carton, a statement as to where such information is to be found, such as "See enclosure for complete directions," "Full directions on carton," or comparable statement;

(6) In the case of a multiple-dose final container, a warning to use all the product when the final container is first opened: *Provided,* That a diagnostic or a desensitizing antigen packaged in a multiple-dose final container is exempt;

(7) "Burn the final container and all unused contents," if the biological product contains viable or dangerous organisms or viruses;

(8) In the case of a biological product recommended for use in domestic animals, the edible portion of which may be used for food purposes, a withholding statement of not less than 21 days to read: "Do not vaccinate within (insert number) days before slaughter": *Provided,* That longer periods shall be stated when deemed necessary by the Deputy Administrator.

(9) The following information shall appear on the final container label and carton label, if any, but need not appear on the enclosure:

(i) A permitted expiration date;

(ii) The number of doses where applicable;

(iii) The recoverable quantity of the content of each final container stated in cc., ml., or units.

(iv) A serial number by which the product can be identified with the manufacturer's records of preparation: *Provided,* That when a liquid antigenic fraction is to be used instead of a water diluent for one or more desiccated antigenic fractions in a combination package, a hyphenated serial number composed of a serial number for the desiccated fraction and the serial number for the liquid fraction shall be used on the carton;

(10 The following information shall appear on cartons and enclosures if used: *Provided,* That if cartons are not used, such information shall appear on the final container label;

(i) In the case of a biological product for which a standard requirement for evaluating potency has not been established, a statement, "No U.S. Standard of Potency." In the case of a multiple fraction product for which a standard requirement for potency has been established for one or more fractions of such product, the statement, "U.S. Standard of Potency for (name fraction) Fraction(s) Only," shall so appear;

(ii) In the case of a product which contains a preservative(s) added during the production process, the statement, "Contains _____ as reservative(s)", indicating the preservative(s) used.

(b) Labels may also include any other statement which is not false or misleading and may include factual statements regarding variable response of different animals when vaccinated as directed but may not include disclaimers of merchantability, fitness for the purpose offered, or responsibility for the product.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device, which overshadows the true name of the product as licensed or which is false or misleading in any particular or which may otherwise deceive the purchaser.

(d) Restricted sales to veterinarians may be so stated on the labels: *Provided,* That the entire production of the product by the licensee involved shall be so restricted. The phrase, "For Veterinary Use Only," or an equivalent statement may be used to indicate a product is recommended specifically for animals and not for humans.

(e) When label requirements of a foreign country conflict with the requirements as prescribed in this part, special labels may be approved for use on biological products to be exported to such country.

(f) If a carton label or an enclosure is required to complete the labeling for a multiple-dose final container of liquid biological product, only one final container shall be packaged in each carton: *Provided,* That if the multiple-dose final container is fully labeled without a carton label or enclosure, two or more final containers may be packaged in a single carton which shall be considered a shipping box. Labels or stickers for shipping boxes shall not contain false or misleading information but need not be submitted for approval.

§ 112.3 Diluent labels.

Each final container of diluent, other than a bacterin, packaged with desiccated biological products shall bear a label that includes the following:

(a) The name—Sterile Diluent.

(b) True name of the biological product with which the diluent is packaged, except that when the firm packages all desiccated biological products with the same diluent, or two or more types of diluent are used, and the licensees' methods of identification and storage insure that all products are packaged with the correct type of diluent, labels affixed to the containers of diluent are exempt from this provision.

(c) The recoverable quantity of contents in cubic centimeters or milliliters.

(d) A serial number by which the diluent can be identified with the manufacturer's records of preparation;

(e) Name and address of the licensee or the permittee;

(f) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container; and,

(1) Is in a multiple-dose container, a positive warning that all of the biological product shall be used at the time the container is first opened; and/or

(2) The biological product is composed of viable or dangerous organisms or viruses, the notice, "Burn this container and all unused contents."

§ 112.4 Subsidiaries, distributors, permittees.

Labels used by subsidiaries, distributors, and permittees shall comply with requirements for filing and approval of labels used for biological products distributed and sold by the licensee and as provided in this section.

(a) *Subsidiaries.* Labels to be used on biological products prepared by a subsidiary shall be submitted to the Deputy Administrator and only labels approved for use on such product shall be used by the subsidiary.

(b) *Distributors.* The name and address of a distributor of a biological product (who is not the licensed producer of such product) shall not be placed on the labels or containers of such product in a manner as to indicate that he is the producer of such product or operating under the license number shown on the label. The name and address of such distributor may be placed on labels or containers if the term, "distributor," or "distributed by," or an equivalent term is prominently placed in connection therewith: *Provided,* The terms are not so used as to be false or misleading. Reference to such distributor shall be by name and address only.

(c) *Permittees.* The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and permit number only.

§ 112.5 Review and approval of labeling.

Labels used with biological products prepared at licensed establishments or imported for general distribution and sale shall be reviewed and approved by the Deputy Administrator prior to use.

(a) Transmittal forms, furnished by Veterinary Services upon request, shall be used with each submission of sketches (including proofs) and labels. Separate forms shall be used for each biological product but only one copy of the form shall be used for all sketches and labels submitted at the same time for the same biological product.

(b) Sketches may be submitted for comment to the Deputy Administrator by the licensee or permittee before preparing the finished label. Such sketches shall be returned to the licensee or permittee with comments, if any. Failure of the reviewer to take exception to a sketch shall not constitute approval of a finished label subsequently prepared.

(c) All labels shall be submitted for review and approval. Only labels which are approved shall be used. When changes are made in approved labels, the new labels shall be subject to review and approval before use.

(d) Labels and sketches submitted shall be prepared in the number and manner prescribed in this paragraph.

(1) Copies required:

(i) Three copies of each sketch shall be submitted. Two copies shall be returned to the licensee or permittee with applicable comments. One copy shall be held in the label file until replaced by a finished label but for not more than 1 year after processing: *Provided,* That sketches submitted in support of an application for a product license or permit shall be held as long as the application is considered active.

(ii) Five copies of a label shall be submitted: *Provided,* That when an enclosure is to be used with more than one biological product, two extra copies shall be required for each additional product. Two copies of items submitted shall be returned to the licensee or permittee. Labels and enclosures to which exceptions are taken shall be marked as sketches and handled accordingly.

(2) Mounting:

(i) Each label or sketch shall be securely fastened to a separate sheet of heavy bond paper (8½'' x 11'') in such a manner that all information is available for review.

(ii) Two-or-three part cartons, including "sleeves," shall be considered as one label. All parts shall be submitted together.

(iii) (*a*) When two final containers are packaged together in a combination package, the labels for each shall be mounted on the same sheet of paper and shall be treated as one label.

(*b*) If either final container label is also used alone or in another combination package, sets of separate labels for each biological product with which it is used shall be submitted for review.

(iv) When the same final container label is applied by different methods such as paper or silk screen, one of each shall be mounted on the same sheet of paper as one submission.

(3) To appear on the top of each page:

(i) (*a*) Name and product code number and product code number of the biological product as it appears on the product license, special license or permit.

(*b*) Extra copies of enclosures to be used with another product shall bear the name and code number of the product affected.

(ii) (*a*) Designation of the specimen, as a sketch, final container label, carton label, or enclosure.

(*b*) If two final container labels or multiple parts are on one sheet, each shall be named, and the label or part being revised shall be designated.

(iii) Size of package (doses, ml., cc., or units) for which the labels or enclosures are to be used.

(4) To appear on the bottom of each page: The reason for the submission shall be stated in the lower left hand corner as:

(i) To replace Label and/or Sketch No. _____;
(ii) Addition to Label No. _____;
(iii) Refer to Label No. _____;
(iv) License Application Pending _____;
(v) Foreign Language Copy of Label No. _____.

A 2-inch space shall be resreved in the lower right hand corner. A label number shall be assigned to each sketch and label reviewed. It shall be stamped in the space reserved and shall be used for reference to such label or sketch in all subsequent correspondence.

(e) Special requirements for foreign language labels:

(1) If true, a statement that the label is a direct translation from a corresponding approved domestic label.

(2) If the foreign language label is not a direct translation of an approved domestic label, an English version shall be submitted with an explanation for the difference in texts.

(3) Foreign language portion of a bilingual label shall be a true translation of the English portion. Reference to additional information on the enclosure shall not be made unless that enclosure is also bilingual.

(f) When requested by the Deputy Administrator, the licensee or permittee shall submit a list of all approved labels currently being used. Each label listed shall be identified as to:

(1) Name and product code number as it appears on the product license or permit for the product; and

(2) Where applicable, the size of the package (doses, ml., cc., or units) on which the label shall be used; and

(3) Label number and date assigned; and

(4) Name of licensee or subsidiary appearing on the label as the producer.

§ 112.6 Packaging desiccated products.

(a) Except as provided in § 112.8, each final container of a desiccated biological product, produced by a licensee or a subsidiary, or presented for importation by a permittee shall be packaged in a carton with accompanying container of diluent if such diluent is required for rehydration of the product before administration.

(b) Except as prescribed in paragraph (d) of this section and § 112.8, only one multiple-dose final container of a desiccated product with accompanying final container of diluent, if needed for rehydration, shall be packaged in an appropriately labeled carton.

(c) Several single-dose final containers of desiccated products and an equal number of containers of diluent, if needed for rehydration, may be marketed in an appropriately labeled carton.

(d) When a biological product is designed to be administered to poultry, multiple-dose final containers, not to exceed 1,000 doses per container and not to exceed 10 final containers per package, may be marketed with accompanying containers of diluent, if needed for rehydration, in a single appropriately labeled carton: *Provided,* That the statement, "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken," shall be prominently placed on the carton label.

§ 112.7 Special additional requirements.

(a) In the case of biological products containing live Newcastle Disease virus, a caution statement indicating that Newcastle Disease can cause inflammation of the eyelids of humans, and a warning to the user to avoid infecting his eyes shall be included on the enclosure.

(b) In the case of a biological product containing infectious bronchitis virus, all labels shall show the infectious bronchitis virus type or types used in the product. Abbreviation is permitted.

(c) In the case of a biological product containing inactivated rabies virus, carton labels and enclosures shall include a warning against freezing; and for

(1) Neural tissue origin rabies vaccine, a minimum dose recommendation shall be 5 cc. for dogs, 3 cc. for cats, and 50 cc. for cattle and recommended to be repeated yearly: *Provided,* That a recommendation shall be made that a puppy under 3 months of age shall be revaccinated at 3 months and yearly thereafter; and for

(2) Tissue culture origin rabies vaccine, the minimum dose recommendation shall be as stated in the outline and recommended to be repeated in 30 days and yearly thereafter: *Provided,* That, if the second dose is given to a puppy under 3 months of age, a third dose to be given in 6 months shall also be recommended.

(d) In the case of a biological product containing live rabies virus, the carton labels, enclosures, and all but very small final container labels shall include the recommendations provided in this paragraph except as provided in subparagraph (5) of this paragraph.

(1) The statement "In high risk areas, revaccinate annually all animals for which this vaccine is recommended."

(2) For low egg-passage (40th–50th egg-passage level), the statement "For Use In Dogs Only! Not For Use In Any Other Animal!"

(3) For other vaccines containing live rabies virus, the statement "For Use In (designate animal(s)) Only! Not For Use In Any Other Animal!"

(4) Dosage recommendations as provided in this paragraph.

(i) Dogs: One dose at age 3 months or older recommended to be repeated every 3 years: *Provided,* That for dogs less than 6 months of age at the time of the initial vaccination, the recommendation shall be for a repeat dose at 1 year of age. Subsequent vaccinations shall be not less frequently than every 3 years thereafter.

(ii) Cats: One dose at 3 months or older repeated at 1 year of age. Subsequent vaccinations shall be not less frequently than every year thereafter.

(iii) Recommendation for use in animals other than dogs and cats if supported by data acceptable to the Deputy Administrator may be included: *Provided,* That the recommendations for use in cattle, horses, sheep, and goats shall be for an initial vaccination at 3 months of age with revaccination at 1 year. Subsequent vaccinations shall be not less frequently than every year thereafter.

(5) A statement, prominently placed on the enclosure, containing the recommended action to be taken in cases of exposure to the vaccine virus through accidental inoculation or contact with rabid animals. To satisfy this requirement, reference may be made to the U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control Weekly Report, June 24, 1972.

(e) In the case of bovine rhinotracheitis vaccine, all labeling except small final container labels shall bear the following statement: "Do not use in pregnant cows or in calves nursing pregnant cows."

(f) Labels for all inactivated bacterial products except those produced from leptospira organisms shall contain an unqualified recommendation for a repeat dose to accomplish primary immunization be given at an optimum time interval if such has been established; otherwise, a second dose within 7 days for aqueous products and in 14 days for those containing adjuvants shall be recommended: *Provided,* That repeat dose recommendations prescribed in the subparagraphs of this paragraph are required for products containing the fractions listed:

(1) *Clostridium chauvoei.* "Calves vaccinated under 3 months of age should be revaccinated at weaning or 4 to 6 months of age."

(i) If in combination with *Pasteurella,* add: "Revaccination with Pasteurella Bacterin is recommended at 2 to 4 weeks,"

(ii) If in combination with *Clostridium sordellii,* add: "Revaccination with Clostridium Sordellii Bacterin is recommended at 2 to 4 weeks,"

(2) *Clostridium Hemolyticum Bacterin.* "Repeat the dose every 5 to 6 months in animals subject to reexposure."

(3) *Clostridium Novyi Bacterin.* "Repeat the dose every 5 to 6 months in animals subject to reexposure."

(4) *Erysipelas Bacterin.* "Swine: For breeding animals, repeat after 21 days and annually." "Turkeys: Repeat dose every 3 months."

(5) *Clostridium Botulinum Type C Toxoid and combinations.* "Revaccinate breeders 1 month before breeding."

§ 112.8 For export only.

The applicable regulations for packaging and labeling a biological product produced in the United States shall apply to such biological product if exported from the United States except as otherwise provided in this section. Only labels approved as provided in § 112.5 shall be used.

(a) Biological products which have been packaged and labeled for export or which have been exported, shall be subject to the applicable provisions in this paragraph.

(1) After leaving the licensed establishment, a biological product shall not be bottled, repackaged, relabeled, or otherwise altered in any way while in the United States; and

(2) An exported biological product shall not be returned to the United States: *Provided,* That, in the case of a biological product exported in labeled final containers, the Deputy Administrator may authorize by permit the importation of a limited number for research and evaluation by the producing licensee; and

(3) An exported biological product which is bottled, rebottled, labeled, relabeled, or altered in any way in a foreign country shall not bear a label which indicates by license number or otherwise that it has been prepared in the United States.

(b) Desiccated products, packaged and labeled as for domestic use, may be exported without the diluent required for rehydration, if the labeling includes adequate instructions for rehydrating the product prior to use and the words "For Export Only".

(c) Final containers of biological products, labeled or unlabeled, with or without required diluent, may be exported in sealed shipping boxes, adequately identified as to contents, and plainly marked "For Export Only": *Provided,* That such products shall not be diverted to domestic use.

(d) Completed inactivated liquid products, antiserums, and anititoxins, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

§ 112.9 Biological products to be imported for research and evaluation.

A biological product imported into the United States for research and evaluation under a permit issued in accordance with Part 102 of this subchapter shall be labeled as provided in this section.

(a) The label shall identify the product, shall furnish a dosage table and full instructions for the proper use of the product, shall include all warnings and cautions needed by the permittee to safely use the product, and shall bear a statement "Notice! For Experimental Use Only—Not For Sale!"

(b) The labeling shall contain any other information deemed necessary by the Deputy Administrator and included on the permit.

§ 112.10 Special packaging and labeling.

A biological product, which requires special packaging and/or labeling not provided for in this part, shall be packaged and/or labeled in accordance with requirements written into the approved outline for such product.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to Biologics Staff, Veterinary Services, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 5th day of December 1972.

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

[FR Doc.72-21141 Filed 12-7-72;8:55 am]

Office of the Secretary

[7 CFR Part 6]

IMPORT QUOTAS OF CERTAIN CHEESE

Proposed Licensing

Notice is hereby given that, pursuant to section 3, 62 Stat. 1248, as amended (7 U.S.C. 624), and Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202), it is proposed to amend Import Regulation 1, Revision 5, as amended (7 CFR Part 6), to provide for the issuance of licenses for the importation of certain cheese subject to import quotas provided for in TSUS items 950.10B, 950.10C, 950.10D, and 950.10E, as amended by Presidential Proclamation 4138, dated June 3, 1972. In accordance with the provision of said proclamation and the determination of the Secretary of Agriculture made pursuant thereto (37 F.R. 11234), cheese described in such items (in general, Swiss or Emmenthaler, Gruyere-process, and "other" cheese) is subject to such quotas if shipped otherwise than in pursuance to a purchase or if having a purchase price of under 62 cents per pound. At present, if the purchase price of such cheese is under 47 cents per pound, a license is required for its importation; however, beginning January 1, 1973, if the purchase price is under 62 cents per pound, a license will be required.

It is proposed to amend Group V of Appendix to the Import Regulation to set forth the new quota quantities and an additional base period therefor and to change the purchase price of cheese subject to such quotas from "under 47 cents per pound" to "under 62 cents per pound" in accordance with the provisions of Presidential Proclamation 4138. Footnote No. 2 to the appendix would be amended to set forth the manner in which historical quota shares would be determined when two base periods are applicable thereto. Section 6.26(b) of the regulation would be amended to delete a provision with respect to the determination of historical quota shares for "other" cheese (TSUS item 950.10D) from New Zealand, since this proviso was needed only with respect to the original determination of such quota shares for such cheese priced under 47 cents per pound (1967 base period) and should not be made applicable to quota shares for such cheese priced from 47 cents to 62 cents per pound (1970 base period). Section 6.26(a) of the regulation would be amended to increase from 5,000 to 20,000 pounds the maximum annual nonhistorical quota share for Swiss or Emmenthaler cheese and "other" cheese from countries other than New Zealand.

The proposed amendment of 7 CFR Part 6 is as follows:

1. Section 6.26 is amended as follows:

(a) In paragraph (a) delete from the table therein the figure "5,000" and substitute in lieu thereof the figure "20,000" in the column titled "Quantity" on the respective lines for the articles described as (1) "Swiss or Emmenthaler cheese with eye formation", (2) "Swiss or Emmenthaler cheese other than with eye formation", and (3) " 'Other' cheese (not from New Zealand)."

(b) In paragraph (b) in the first sentence change the comma preceding the proviso to a period and delete the remainder of the sentence.

2. Group V of Appendix 1 is amended to read as follows:

APPENDIX 1—ARTICLES SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

Articles [1] by TSUS item numbers	Base period [2]	Annual import quota (pounds)	Non-historical set aside (pounds)
* * *	* * *	* * *	* * *
Group V: [3]			
Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price [6] under 62 cents per pound.			
Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses.	Jan. 1, 1967, to Dec. 31, 1967 Jan. 1, 1970, to Dec. 31, 1970		
Swiss or Emmenthaler with eye formation (Item 950.10B):			
Austria		8,222,000	822,200
Denmark		3,396,000	339,600
Finland		6,111,000	611,100
Norway		1,672,000	167,200
Switzerland		269,000	26,900
West Germany		292,000	29,200
Netherlands		210,000	21,000
Israel		60,000	6,000
Other		188,000	18,800
Other than Swiss or Emmenthaler with eye formation (Item 950.10C):			
Austria		1,406,000	140,600
Denmark		3,435,000	343,500
Finland		1,606,000	160,600
Switzerland		2,234,000	223,400
West Germany		1,818,000	181,800
Ireland		210,000	21,000
Norway		82,000	8,200
Portugal		275,000	27,500
Other		176,000	17,600
Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D):	Jan. 1, 1967, to Dec. 31, 1967 Jan. 1, 1970, to Dec. 31, 1970		
Belgium		469,000	46,900
Denmark		16,820,000	1,682,000
Finland		1,239,000	123,900
France		2,882,000	288,200
Iceland		649,000	64,900
Ireland		161,000	16,100
Netherlands		422,000	42,200
Norway		356,000	35,600
Poland		2,064,000	206,400
Sweden		1,707,000	170,700
Switzerland		215,000	21,500
United Kingdom		496,000	49,600
West Germany		2,148,000	214,800
New Zealand		7,556,000	1,889,000
Canada		2,670,000	267,000
Portugal		227,000	22,700
Austria		199,000	19,900
Italy		17,000	1,700
Israel		145,000	14,500
Other		288,000	28,800
Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10E):	July 1, 1969, to June 30, 1970		
Denmark		6,680,000	668,000
United Kingdom		791,000	79,100
Ireland		756,500	75,650
West Germany		100,000	10,000
Poland		385,600	38,560
Australia		123,600	12,360
Iceland		64,300	6,430
Other		None	None
* * *	* * *	* * *	* * *

3. Footnote 2 to Appendix 1 is amended by adding thereto the following sentence:

For TSUS Items Nos. 950.10B, 950.10C, and 950.10D each importer's quota share is a combination of his quota share determined for the respective cheese priced under 47 cents per pound (1967 base period) and a quota share determined on the basis of imports of the respective cheese priced from 47 cents to 62 cents per pound during the 1970 base period.

4. Footnote 6 is added to Appendix 1 which reads as follows:

"Purchase price," in accordance with headnote 3(a)(iii) of Part 3 of the Appendix to the Tariff Schedules of the United States, is determined by the District Director of Customs on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transportation, insurance, duty, and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States.

It is proposed to make the amendment effective January 1, 1973. Interested persons may submit written comments with respect to the proposed amendment to the Administrator, Foreign Agricultural Service, Washington, D.C. 20250. In order to be sure of consideration, submission must be received not later than December 15, 1972. All written submissions made pursuant to this notice will be made available for public inspection from 8:30 a.m. to 5 p.m., Monday through Friday in Room 4849, South Building, 14th and Independence Avenue SW., Washington, D.C.

Issued at Washington, D.C., this 4th day of December 1972.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[FR Doc.72-21012 Filed 12-7-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

TOYS, GAMES, AND OTHER ARTICLES INTENDED FOR USE BY CHILDREN

Proposed Test Methods for Simulating Use and Abuse

21 CFR 191.9a of the hazardous substances regulations lists toys and other articles intended for use by children that the Commissioner of Food and Drugs has determined present a mechanical hazard within the meaning of section 2(s) of the Federal Hazardous Substances Act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness. Such items are banned under the provisions of section 2(q)(1)(A) of the act. 21 CFR 191.65a provides exemption from such banning within specified limitations.

Although the Federal Hazardous Substances Act and regulations define hazardous toys in terms of normal use and reasonably foreseeable damage or abuse, manufacturers and others have been unable to precisely determine what would be considered the normal use or reasonably foreseeable damage or abuse to which particular toys should be subjected. This has often prevented manufacturers from performing safety tests on preproduction units of new toy designs and has similarly made it difficult for conscientious retailers, in deciding whether or not to stock a certain toy, to judge its safety. To provide aid and guidance for determining what constitutes normal use and reasonably foreseeable damage or abuse of toys and other articles intended for use by children, the Commissioner proposes to establish by regulation the following test methods. These test methods are not self-executing and will not, by themselves, have the effect of banning particular toys or classes of toys. The individual banning subparagraphs within 21 CFR

191.9a will reference the applicable test method or methods.

As regulations are issued banning toys and other children's articles which present particular hazards, they will identify the appropriate testing procedures to be used for determining normal use and reasonably foreseeable damage or abuse. If, based upon the results of these tests, it is concluded that a potential hazard is present as defined by the regulation, the toy will be classified as a banned hazardous substance. Other than by regulations under § 191.9a which define particular hazards, these testing procedures will not have the effect of classifying toys as potentially hazardous or as banned hazardous substances. In the absence of such regulations, manufacturers and others may use these testing procedures as guidelines for determining the normal use and reasonably foreseeable damage or abuse to which toys may be subjected.

These methods are divided into three groups keyed to ages of children for whom the articles are intended; that is, children 18 months of age or less, children over 18 but not over 36 months of age, and children over 36 but not over 96 months of age. These three groups of test methods are proposed below as §§ 191.21, 191.22, and 191.23.

The test methods to be applied will be those defined for the age group for which the toy or article is identified in labeling, unless such age is deemed to be inappropriate, in which case the article will be tested under the methods established for the age deemed most reasonable. If an article is so age-labeled that it transcends one of the age groups specified above, it will be tested in accordance with the most stringent test methods. For example, if a toy is labeled for children between 1 and 2 years of age, the drop test for articles intended for children 18 months of age and less will be utilized and the bite test, flexure test, torque test, tension test, and compression test for articles intended for children over 18 months but less than 36 months of age will be utilized. If an article is not age-labeled but is deemed to be appropriate for children 96 months of age or less, it will be subjected to the most stringent tests established in these test methods.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f) (1) (D), (q) (1) (A), (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 191 be amended by adding new §§ 191.20, 191.21, 191.22, and 191.23 as follows:

§ 191.20 Test methods for simulating use and abuse of toys and other articles intended for use by children.

(a) *Objective.* Sections 191.21, 191.22, and 191.23 describe specific test methods for simulating normal use of toys and other articles intended for children as well as the reasonably foreseeable damage or abuse to which the articles may be subjected. These test methods will be referenced in the individual paragraphs of § 191.9a which identify banned toys and other banned articles intended for use by children. The test methods are for use in exposing potential hazards that would result from the normal use or the reasonably foreseeable damage or abuse of such articles intended for children.

(b) *Application.* (1) The test methods described in §§ 191.21, 191.22, and 191.23 have been established for articles intended for the specified age groups of children: 18 months of age and less, over 18 months but not over 36 months of age, and over 36 months but not over 96 months of age. If an article is marked, labeled, advertised, or otherwise intended for children of an age spanning more than one of such age groups, the article will be subjected to those tests providing the most stringent requirements. If an article is not age-labeled or is unreasonably age-labeled and is intended for children 96 months of age or less, it will also be subjected to the most stringent test requirements.

(2) Each of the test methods described in §§ 191.21, 191.22, and 191.23 shall be applied to a previously untested sample except the tension test which shall be conducted with the test sample used in the torque test if no failure occurred during that test.

(c) *Definitions.* As used in this section and in §§ 191.21, 191.22, and 191.23:

(1) "Toy" means any toy, game, or other article designed, labeled, advertised or otherwise intended for use by children.

(2) "Tub toy" means any toy intended to be used in a bathtub, or intended to be used in a small wading pool up to 60 inches in diameter and up to 18 inches in depth, or that could reasonably be expected to be used in contact with water, soapy or otherwise.

(3) "Mouth toy" means any toy intended to be placed in or in contact with a child's mouth.

(4) "Soap solution" means a 0.15 percent pure soap and water solution maintained at 100–120° F. during the test.

(5) "Saline solution" means a 0.9 *N* saline solution (52 grams of sodium chloride per liter of water) maintained at 95–105° F. during the test.

§ 191.21 Test methods for simulating use and abuse of toys and other articles intended for children 18 months of age or less.

(a) *Application.* The test methods described in this section shall be used in determining compliance of toys intended for use by children 18 months of age or less with the requirements of § 191.9a.

(b) *Impact test*—(1) *Application.* Toys having a weight of less than 3 pounds shall be subject to this test.

(2) *Impact medium.* The impact medium shall consist of a 0.125-inch nominal thickness of type IV vinyl-asbestos tile, as specified in Federal specification SS–T–312A, over at least a 2.5-inch thickness of concrete. The impact area shall be at least 3 square feet.

(3) *Testing procedure.* The toy shall be dropped 10 times from a height of 4.5 feet. The toy shall be dropped in random orientation. After each drop the test sample shall be allowed to come to rest and examined and evaluated before continuing.

(c) *Bite test*—(1) *Application.* A toy (or component or any accessible portion thereof) that has an external dimension of 1¼ inches or less and a design configuration that would permit a child to insert a portion into the mouth in any orientation up to a biting thickness of 1¼ inches, for a penetration of at least one-fourth inch, shall be subject to this test.

(2) *Test equipment*—(i) *Contact mechanism.* The contact mechanism shall be two metal strips each one thirty-second inch thick. The strips shall be circular or semicircular in shape with a 1½-inch diameter and a one-half inch height. The edges thereof shall be rounded to a radius of one sixty-fourth inch. (See Figure 1.)

(ii) *Loading device.* The loading device shall consist of two metal plates capable of rigidly holding the contact mechanism (see subdivision (i) of this subparagraph and Figure 1) and applying a force of 100 pounds.

(3) *Testing procedure.* The toy shall be placed in the loading device in any reasonable position utilizing not more than 180 degrees of the arc and a test load increasing to 25 pounds over 5 seconds shall be applied. This load shall be maintained for 10 seconds.

(d) *Flexure test*—(1) *Application.* Any toy that is intended to be bent or formed and that is equipped with metal wire(s) or other metal material(s) for stiffening or for retention of form shall be subject to this test. The test shall be applied to each component of the toy containing such metal wire(s) or other metal material(s).

(2) *Testing procedure.* The toy shall be suitably secured in a vise equipped with vise shields of three-eighths inch inside radius (see Figure 2). The component shall then be bent through a 60-degree arc. The wire-containing component shall then be bent in the reverse direction through a 120-degree arc, and this process is repeated for 30 cycles. Two 120-degree arc bends shall constitute one cycle. The test shall be conducted at the rate of one-half cycle or 120 degrees per second with a 60-second rest period occurring after each 10 cycles.

(e) *Torque test*—(1) *Application*—(i) *General.* A toy with a projection, part, or assembly that the child can grasp by at least the thumb and forefinger shall be subject to this test.

(ii) *Tub toy.* A tub toy shall be soaked for 30 minutes in soap solution and wiped free of excess moisture immediately prior to this test.

(iii) *Mouth toy.* A mouth toy shall be soaked for 15 minutes in saline solution and wiped free of excess moisture immediately prior to this test.

(iv) *Toys with rotating components.* Projections, parts, or assemblies that are

rigidly mounted on a rod or shaft designed to rotate shall be tested with the rod or shaft clamped to prevent rotation.

(2) *Test equipment*—(i) *Loading device.* The loading device shall be a self-indicating torque gage (Chatillon TG 160 or equivalent) modified to accept the clamp specified in subdivision (ii) of this subparagraph. The gage shall be of sufficient capacity to apply a torque of 4 inch-pounds.

(ii) *Clamp.* The clamp shall be capable of holding the test component firmly and transmitting a torsional force (see Figure 3).

(3) *Test procedure.* With the sample rigidly fastened in any reasonable test position, the clamp is fastened to the test object or component. A torque of 2 inch-pounds shall be applied clockwise over a period of 5 seconds or until a rotation of 180 degrees from the original position has been attained. The torque or maximum rotation shall be maintained for an additional 10 seconds. The torque shall then be removed and the test component permitted to return to an unstressed condition. This procedure shall then be repeated in a counterclockwise direction.

(f) *Tension test*—(1) *Application*—(i) *General.* Any projection of a toy that the child can grasp by at least the thumb and forefinger shall be subject to this test. This test is to be conducted on the toy after it has been subjected to the torque test described in paragraph (e) of this section.

(ii) *Tub toy.* A tub toy shall be tested immediately after being subjected to the procedure described in paragraph (e) (1) (ii) of this section.

(iii) *Mouth toy.* A mouth toy shall be tested immediately after being subjected to the procedure described in paragraph (e) (1) (iii) of this section.

(2) *Test equipment*—(i) *Clamps.* The first clamp shall be similar in function to the claw hook described in the 1968 British Standard No. 3443, page 12 published by British Standards Institution, London. (See Figure 4.) An adjustable hose clamp suitable for applying a tension load shall also be required (Wittek No. AN737 RM Type FBSS or equivalent).

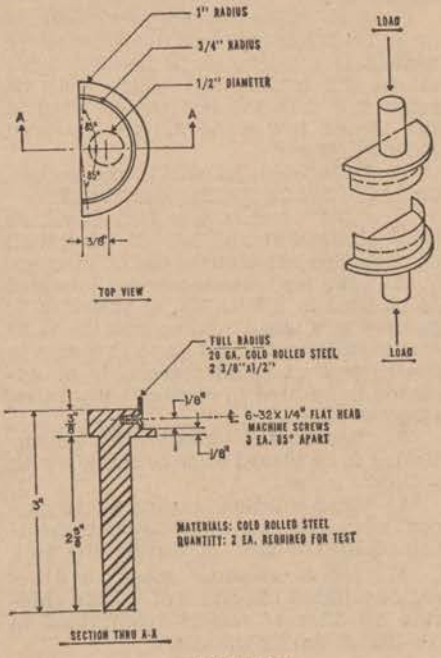
(ii) *Loading device.* The loading device is to be a self-indicating gage scale (Chatillon No. 719–40 or equivalent) modified to accept the clamp specified in subdivision (i) of this subparagraph. The spring scale shall be of sufficient capacity to apply a 15-pound load.

(3) *Test procedure.* With the test sample fastened in a convenient position, an appropriate clamp shall be attached to the test object or component. A 10-pound direct force shall be applied parallel to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds. The tension clamp shall then be removed and a second clamp appropriate for pulling at 90 degrees shall be attached to the test object or component. A 10-pound tensile force shall be applied perpendicular to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds.

(g) *Compression test*—(1) *Application.* Any area on the surface of a toy that is accessible to a child and inaccessible to flat-surface contact during the impact test shall be subject to this test.

(2) *Test apparatus.* The loading device shall be a rigid metal disc of 1⅛ inches in diameter and three-eighths inch in thickness. The perimeter of the disc shall be rounded to a radius of one thirty-second inch to eliminate sharp edges. The disc shall be attached to the self-indicating gage scale (described in paragraph (f) (2) (ii) of this section) through a metal shaft.

(3) *Test procedure.* The shaft shall be positioned so that it is generally perpendicular to the surface under test. A direct force increasing to 20 pounds over a period of 5 seconds shall be applied through the disc. This load shall be maintained for 10 seconds. During the test the toy is to rest on a flat, hard surface in any convenient position.



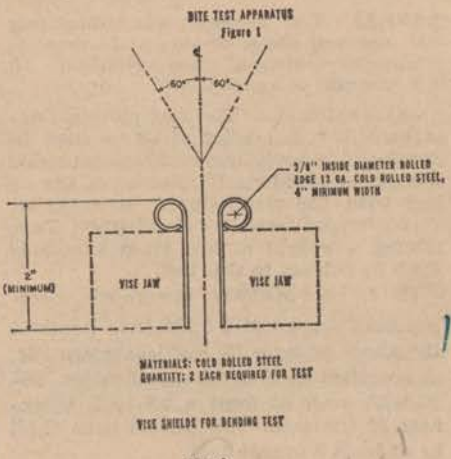
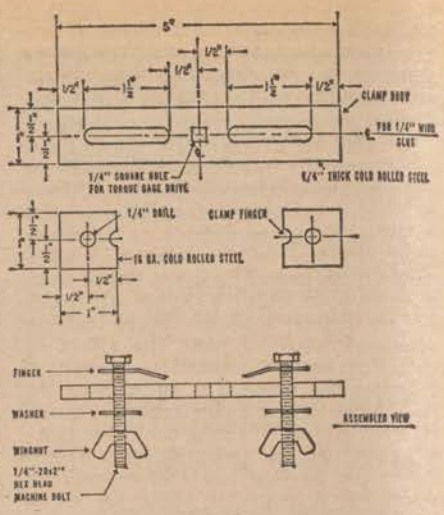


Figure 2



TORQUE CLAMP

Figure 3

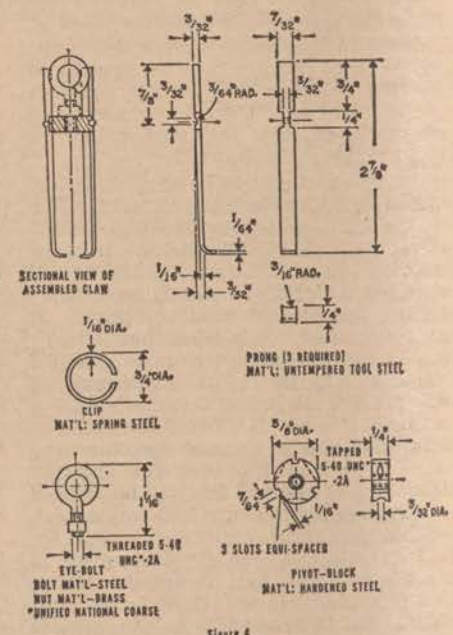


Figure 4

§ 191.22 Test methods for simulating use and abuse of toys and other articles intended for children over 18 but not over 36 months of age.

(a) *Application.* The test methods described in this section shall be used in determining compliance of toys intended for use by children over 18 but not over 36 months of age with the requirements of § 191.9a.

(b) *Impact test*—(1) *Application.* Toys having a weight of less than 4 pounds shall be subject to this test.

(2) *Impact medium.* The impact medium shall consist of a 0.125-inch nominal thickness of Type IV vinyl-asbestos tile, as specified in Federal specification SS–T–312A, over at least a 2.5-inch thickness of concrete. The impact area shall be at least 3 square feet.

(3) *Testing procedure.* The toy shall be dropped four times from a height of

3 feet. The toy shall be dropped in random orientation. After each drop the test sample shall be allowed to come to rest and examined and evaluated before continuing.

(c) *Bite test*—(1) *Application.* A toy (or component or any accessible portion thereof) that has an external dimension of 1¼ inches or less and a design configuration that would permit a child to insert a portion into the mouth in any orientation up to a biting thickness of 1¼ inches, for a penetration of at least one-fourth inch, shall be subject to this test.

(2) *Test equipment*—(i) *Contact mechanism.* The contact mechanism shall be two metal strips each one thirty-second of an inch thick. The strips shall be circular or semicircular in shape with a 1½-inch diameter and a one-half-inch height. The edges thereof shall be rounded to a radius of one sixty-fourth of an inch. (See fig. 1 in § 191.21.)

(ii) *Loading device.* The loading device shall consist of two metal plates capable of rigidly holding the contact mechanism (see subdivision (i) of this subparagraph and Figure 1 in § 191.21) and applying a force of 100 pounds.

(3) *Testing procedure.* The toy shall be placed in the loading device in any reasonable position utilizing not more than 180° of the arc and a test load increasing to 50 pounds over 5 seconds shall be applied. This load shall be maintained for 10 seconds.

(d) *Flexure test*—(1) *Application.* Any toy that is intended to be bent or formed and that is equipped with metal wire(s) or other metal material(s) for stiffening or for retention of form shall be subject to this test. The test shall be applied to each component of the toy containing such metal wire(s) or other metal material(s).

(2) *Testing procedure.* The toy shall be suitably secured in a vise equipped with vise shields of three-eighths of an inch inside radius (see fig. 2 in § 191.21). The component shall then be bent through a 60° arc. The wire-containing component shall then be bent in the reverse direction through a 120° arc, and this process is repeated for 30 cycles. Two 120°-arc bends shall constitute one cycle. The test shall be conducted at the rate of one-half cycle or 120° per second with a 60-second rest period occurring after each 10 cycles.

(e) *Torque test*—(1) *Application*—(i) *General.* A toy with a projection, part, or assembly that the child can grasp by at least the thumb and forefinger shall be subject to this test.

(ii) *Tub toy.* A tub toy shall be soaked for 30 minutes in soap solution and wiped free of excess moisture immediately prior to this test.

(iii) *Mouth toy.* A mouth toy shall be soaked for 15 minutes in saline solution and wiped free of excess moisture immediately prior to this test.

(iv) *Toys with rotating components.* Projections, parts, or assemblies that are rigidly mounted on a rod or shaft designed to rotate shall be tested with the rod or shaft clamped to prevent rotation.

(2) *Test equipment*—(i) *Loading device.* The loading device shall be a self-indicating torque gage (Chatillon TG 160 or equivalent) modified to accept the clamp specified in subdivision (ii) of this subparagraph. The gage shall be of sufficient capacity to apply a torque of 4 inch-pounds.

(ii) *Clamp.* The clamp shall be capable of holding the test component firmly and transmitting a torsional force (see Figure 3 in § 191.21).

(3) *Test procedure.* With the sample rigidly fastened in any reasonable test position, the clamp is fastened to the test object or component. A torque of 3 inch-pounds shall be applied clockwise over a period of 5 seconds or until a rotation of 180° from the original position has been attained. The torque or maximum rotation shall be maintained for an additional 10 seconds. The torque shall then be removed and the test component permitted to return to an unstressed condition. This procedure shall then be repeated in a counterclockwise direction.

(f) *Tension test*—(1) *Application*—(i) *General.* Any projection of a toy that the child can grasp by at least the thumb and forefinger shall be subject to this test. This test is to be conducted on the toy after it has been subjected to the torque test described in paragraph (e) of this section.

(ii) *Tub toy.* A tub toy shall be tested immediately after being subjected to the procedure described in paragraph (e) (1) (ii) of this section.

(iii) *Mouth toy.* A mouth toy shall be tested immediately after being subjected to the procedure described in paragraph (e) (1) (iii) of this section.

(2) *Test equipment*—(i) *Clamps.* The first clamp shall be similar in function to the claw hook described in the 1968 British Standard No. 3443, page 12, published by British Standards Institution, London. (See Fig. 4.) An adjustable hose clamp suitable for applying a tension load shall also be required (Wittek No. AN737 RM Type FBSS or equivalent).

(ii) *Loading device.* The loading device is to be a self-indicating gage scale (Chatillon No. 719–40 or equivalent) modified to accept the clamp specified in subdivision (i) of this subparagraph. The spring scale shall be of sufficient capacity to apply a 15-pound load.

(3) *Test procedure.* With the test sample fastened in a convenient position, an appropriate clamp shall be attached to the test object or component. A 15-pound direct force shall be applied parallel to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds. The tension clamp shall then be removed and a second clamp appropriate for pulling at 90 degrees shall be attached to the test object or component. A 15-pound tensile force shall be applied perpendicular to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds.

(g) *Compression test*—(1) *Application.* Any area on the surface of a toy that is accessible to a child and inaccessible to flat-surface contact during the impact test shall be subject to this test.

(2) *Test apparatus.* The loading device shall be a rigid metal disc 1⅛ inches in diameter and three-eighth inch in thickness. The perimeter of the disc shall be rounded to a radius of one thirty-second inch to eliminate sharp edges. The disc shall be attached to the self-indicating gage scale (described in paragraph (f) (2) (ii) of this section) through a metal shaft.

(3) *Test procedure.* The shaft shall be positioned so that it is generally perpendicular to the surface under test. A direct force increasing to 25 pounds over a period of 5 seconds shall be applied through the disc. This load shall be maintained for 10 seconds. During the test the toy is to rest on a flat, hard surface in any convenient position.

§ 191.23 Test methods for simulating use and abuse of toys and other articles intended for children over 36 but not over 96 months of age.

(a) *Application.* The test methods described in this section shall be used in determining compliance of toys intended for use by children over 36 but not over 96 months of age with the requirements of § 191.9a.

(b) *Impact test*—(1) *Application.* Toys having a weight of less than 10 pounds shall be subject to this test.

(2) *Impact medium.* The impact medium shall consist of a 0.125-inch nominal thickness of Type IV vinyl-asbestos tile, as specified in Federal specification SS–T–312A, over at least a 2.5-inch thickness of concrete. The impact area shall be at least 3 square feet.

(3) *Testing procedure.* The toy shall be dropped four times from a height of 3 feet. The toy shall be dropped in random orientation. After each drop the test sample shall be allowed to come to rest and examined and evaluated before continuing.

(c) *Bite test*—(1) *Application.* A toy (or component) that is a mouth toy shall be subject to this test.

(2) *Test equipment*—(i) *Contact mechanism.* The contact mechanism shall be two metal strips each one thirty-second inch thick. The strips shall be circular or semicircular in shape with a 1½-inch diameter and a ½-inch height. The edges thereof shall be rounded to a radius of one sixty-fourth inch. (See Figure 1 in § 191.21.)

(ii) *Loading device.* The loading device shall consist of two metal plates capable of rigidly holding the contact mechanism (see subdivision (i) of this subparagraph and Figure 1 in § 191.21) and applying a force of 100 pounds.

(3) *Testing procedure.* The toy shall be placed in the loading device in any reasonable position utilizing not more than 180° of the arc and a test load increasing to 100 pounds over 5 seconds shall be applied. This load shall be maintained for 10 seconds.

(d) *Flexure test*—(1) *Application.* Any toy that is intended to be bent or formed

and that is equipped with metal wire(s) or other metal material(s) for stiffening or for retention of form shall be subject to this test. The test shall be applied to each component of the toy containing such metal wire(s) or other metal material(s).

(2) *Testing procedure.* The toy shall be suitably secured in a vise equipped with vise shields of 3/8-inch inside radius (see Figure 2 in § 191.21). The component shall then be bent through a 60° arc. The wire-containing component shall then be bent in the reverse direction through a 120° arc, and this process is repeated for 30 cycles. Two 120-degree-arc bends shall constitute 1 cycle. The test shall be conducted at the rate of one-half cycle or 120° per second with a 60-second rest period occurring after each 10 cycles.

(e) *Torque test*—(1) *Application*—(i) *General.* A toy with a projection, part, or assembly that the child can grasp by at least the thumb and forefinger shall be subject to this test.

(ii) *Tub toy.* A tub toy shall be soaked for 30 minutes in soap solution and wiped free of excess moisture immediately prior to this test.

(iii) *Mouth toy.* A mouth toy shall be soaked for 15 minutes in saline solution and wiped free of excess moisture immediately prior to this test.

(iv) *Toys with rotating components.* Projections, parts, or assemblies that are rigidly mounted on a rod or shaft designed to rotate shall be tested with the rod or shaft clamped to prevent rotation.

(2) *Test equipment*—(i) *Loading device.* The loading device shall be a self-indicating torque gage (Chatillon TG 160 or equivalent) modified to accept the clamp specified in subdivision (ii) of this subparagraph. The gage shall be of sufficient capacity to apply a torque of 4 inch-pounds.

(ii) *Clamp.* The clamp shall be capable of holding the test component firmly and transmitting a torsional force (see fig. 3 in § 191.21).

(3) *Test procedure.* With the sample rigidly fastened in any reasonable test position, the clamp is fastened to the test object or component. A torque of 4 inch-pounds shall be applied clockwise over a period of 5 seconds or until a rotation of 180° from the original position has been attained. The torque or maximum rotation shall be maintained for an additional 10 seconds. The torque shall then be removed and the test component permitted to return to an unstressed condition. This procedure shall then be repeated in a counterclockwise direction.

(f) *Tension test*—(1) *Application*—(i) *General.* Any projection of a toy that the child can grasp by at least the thumb and forefinger shall be subject to this test. The test is to be conducted on the toy after it has been subjected to the torque test described in paragraph (e) of this section.

(ii) *Tub toy.* A tub toy shall be tested immediately after being subjected to the procedure described in paragraph (e)(1)(ii) of this section.

(iii) *Mouth toy.* A mouth toy shall be tested immediately after being subjected to the procedure described in paragraph (e)(1)(iii) of this section.

(2) *Test equipment*—(i) *Clamps.* The first clamp shall be similar in function to the claw hook described in the 1968 British Standard No. 3443, page 12, published by British Standards Institution, London. (See Figure 4.) An adjustable hose clamp suitable for applying a tension load shall also be required (Wittek No. AN737 RM Type FBSS or equivalent).

(ii) *Loading device.* The loading device is to be a self-indicating gage scale (Chatillon No. 719–40 or equivalent) modified to accept the clamp specified in subdivision (i) of this subparagraph. The spring scale shall be of sufficient capacity to apply a 15-pound load.

(3) *Test procedure.* With the test sample fastened in a convenient position, an appropriate clamp shall be attached to the test object or component. A 15-pound direct force shall be applied parallel to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds. The tension clamp shall then be removed and a second clamp appropriate for pulling at 90° shall be attached to the test object or component. A 15-pound tensile force shall be applied perpendicular to the major axis of the test component over a period of 5 seconds and then maintained for 10 seconds.

(g) *Compression test*—(1) *Application.* Any area on the surface of a toy that is accessible to a child and inaccessible to flat-surface contact during the impact test shall be subject to this test.

(2) *Test apparatus.* The loading device shall be a rigid metal disc 1⅛ inches in diameter and three-eighths of an inch in thickness. The perimeter of the disc shall be rounded to a radius of one thirty-second of an inch to eliminate sharp edges. The disc shall be attached to the self-indicating gage scale (described in paragraph (f)(2)(ii) of this section) through a metal shaft.

(3) *Test procedure.* The shaft shall be positioned so that it is generally perpendicular to the surface under test. A direct force increasing to 30 pounds over a period of 5 seconds shall be applied through the disc. This load shall be maintained for 10 seconds. During the test the toy is to rest on a flat, hard surface in any convenient position.

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

Dated: November 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-20898 Filed 12-7-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12, 187]

[CGD 72-149P]

LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Supplemental Notice of Proposed Rule Making

In the March 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 4293), the Coast Guard published a notice of proposed rule making (CGFR 72–37) which would permit a relaxation of the visual acuity requirements for an original license as a deck, engineer, or radio officer, or as an operator licensed under Part 10 or 187 of Title 46, Code of Federal Regulations. The proposal was also published in the Marine Safety Council Public Hearing Agenda, dated March 27, 1972, and was identified as item 7 in the notice and the agenda.

This document supplements the notice and agenda by notifying the public that the proposed relaxation would also affect the visual acuity requirements of applicants for an endorsement as able seamen, qualified member of the engine department, or tankerman. This issue was not discussed in the notice of March 1, 1972, or in the agenda. The only issue discussed in those documents was the effect of the amendments to the visual acuity requirements for an original license as a deck, engineering, or radio officer, or as an operator licensed under Part 10 or 187 of Title 46, Code of Federal Regulations, and the direct impact the proposed change in § 10.02–5 would have in Part 12 was not discussed.

The proposed change in § 10.02–5 would affect Part 12 as follows:

(1) Section 12.05–5(b) makes the physical examination for an able seaman, including the visual acuity requirements the same as it is for an original license as a deck officer. The visual acuity requirements are contained in § 10.02–5(e)(3).

(2) Section 12.15–5(b) makes the physical examination for qualified member of the engine department, including the visual acuity requirements, the same as it is for an original license as engineer. The visual acuity requirements are contained in § 10.02–5(e)(5).

(3) Section 12.20–3(b) makes the physical examination for a tankerman, including the visual acuity requirements, the same as it is for an original license as an engineer, except the color vision test is the same as required for a licensed deck officer. The visual acuity and color vision requirements are contained in § 10.02–5(e) (5) and (3), respectively.

To permit the public an opportunity to participate fully in the rule making procedure, this supplement is being published. Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should identify the notice number (CGFR 72–149P), any specific wording recommended, reasons for any recommended change, and the name, address, and organization if any, of the commenter. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by any interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Comments received before January 10, 1972, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after January 10, 1972. The proposal may be changed in the light of the comments received.

(R.S. 4405, as amended, R.S. 4462, as amended, R.S. 4438, as amended, R.S. 4417a, as amended, sec. 3, 70 Stat. 152, sec. 12, 85 Stat. 217, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 224, 391a, 390(b), 1461(e); 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)((1))

Dated: December 5, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–21114 Filed 12–7–72;8:55 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–NW–25]

VOR FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new VOR Federal airway between Burley, Idaho, and Yellowstone, Mont., via Idaho Falls, Idaho.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would designate new VOR Federal airway, V–365 from Burley, Idaho, via the intersection of the Burley 025° M (042° T) and the Idaho Falls, Idaho, 231° M (248° T) radials; Idaho Falls; to Yellowstone, Mont., RBN. This airway would improve traffic flow between Burley and Idaho Falls by providing a by-pass route around the Pocatello, Idaho, area. Also, the airway extension from Idaho Falls to Yellowstone would provide controlled airspace for air carrier flights operating between those two points.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C.. 1655(c)).

Issued in Washington, D.C., on December 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–21076 Filed 12–7–72;8:53 am]

[14 CFR Part 71]

[Airspace Docket No. 72–WE–45]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at Palomar Airport, Carlsbad, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

On or about March 2, 1973, a new control tower will be commissioned at Palomar Airport, Carlsbad, Calif. The new control tower will satisfy the weather reporting requirements for establishment of a control zone. The proposed control zone will provide controlled airspace protection for aircraft executing the RNAV Runway 6 and revised VOR instrument approach procedures while operating below 1,000 feet above the surface, in addition to special VFR operations.

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

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

PALOMAR, CALIF.

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.) and within 1.5 miles each side of the Oceanside VORTAC 134° radial, extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 29, 1972.

R. S. SLIFF,
Acting Director, Western Region.

[FR Doc.72–21078 Filed 12–7–72;8:53 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SW–75]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 306 to the north between Navasota, Tex., and Daisetta, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the segment via the Navasota VORTAC 084° T (076° M) and the Daisetta VORTAC 286° T (279° M) radials. The modification would provide the Houston (Intercontinental), Tex., Tower greater flexibility in establishing departure routes to the north and northwest. The present en route traffic on V-306 creates a potential conflict to arriving and departing aircraft.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-21077 Filed 12-7-72;8:53 am]

[14 CFR Part 75]

[Airspace Docket No. 72-EA-113]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 48 between Westminster, Md., and Boston, Mass., and would revoke Jet Route No. 575 from its southern terminus at Jet Route No. 64 to Boston, Mass.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign Jet Route No. 48 from Westminster VORTAC via the intersection of Westminster 043° T (051° M) and Kennedy, N.Y., VORTAC 252° T (263° M) radials; Kennedy; intersection of Kennedy 042° T (053° M) and Boston VORTAC 252° T (267° M) radials; to Boston. This realignment would: (1) Provide additional radar vectoring airspace northeast of Westminster; (2) reduce mileage between Kennedy and Boston; (3) reduce pilot workload in navigating the route by eliminating Putnam, Conn., VORTAC from the route; and (4) provide an orderly transition from Logan Airport Weston—three SID route to the en route system.

Jet Route No. 575 would be revoked from its southern terminus at Jet Route No. 64 to Boston, Mass. The fiscal year 1972 IFR peak-day survey disclosed zero movements between its southern terminus and Kennedy VORTAC. The portion of this route between Kennedy and Boston would no longer be required since it would be renumbered as Jet Route No. 48.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on December 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-21075 Filed 12-7-72;8:53 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 72-5; Docket No. OPS-5A]

CORROSION CONTROL BY USE OF UNBONDED POLYETHYLENE ENCASEMENT

Notice of Disposition of Petition and Requirements for Test Program

On October 5, 1972, the Cast Iron Pipe Research Association (CIPRA) petitioned the Department of Transportation, in effect, to reopen Docket OPS-5A in order to withdraw a certain paragraph in the preamble of Amendment 192-4 (36 F.R. 12297) rejecting the use of loose (unbonded) polyethylene encasement for external corrosion control and to consider new rules which would permit the use of such material for corrosion control of cast and ductile iron pipe.

Corrosion control requirements were adopted effective August 1, 1971, as Subpart I, 49 CFR Part 192, of the minimum Federal safety standards for the transportation of natural and other gas by pipeline. Sections 192.455 and 192.461 of Subpart I require, in part, that buried pipelines be externally protected by a bonded coating and be cathodically protected. These requirements, as they apply to cast and ductile iron pipe, were discussed in a preamble paragraph which reads as follows:

> Finally, it should be noted that no exception to the requirements of § 192.455 is provided for new cast iron or ductile iron. Because of the unique physical characteristics of its corrosion process (graphitization), and because of the normal allowance of extra wall thickness, it was argued in some of the comments and at the hearing on July 20, 1970, that it should not be required that newly installed cast iron or ductile iron be coated and cathodically protected, but that a loose polyethylene wrap should be considered an appropriate coating adequate for proper corrosion control. But moisture and ground water which can enter the loose polyethylene wrap may form a breeding ground for bacteriological corrosion. Moreover, in the event there is a break in the polyethylene wrap and corrosion started, there is no way to apply cathodic protection to prevent further corrosion. The current would be intercepted by insulating qualities of the polyethylene sheet, and cathodic protection would only reach the metal under the break. The other areas under the wrap that may be corroding from water and access to oxygen would not be cathodically protected. Therefore, new cast iron and ductile iron have not been treated differently from steel and a coating bonded to the pipe and cathodic protection are required.

On August 23, 1971, the Office of Pipeline Safety (OPS) denied a CIPRA petition for reconsideration of the corrosion control standards to permit the use of loose polyethylene encasement for cast and ductile iron pipe. (Docket OPS-5A.)

In its latest petition, CIPRA now asserts that the preamble statement quoted, and the related standards, do not reflect recent technical evidence. (In this connection, it should be noted that preamble statements do not have the force and effect of rules and are regulatory only to the extent that they are consistent with and explain the regulations to which they apply.)

In support of its petition of October 5, 1972, CIPRA submitted a number of reports by U.S. Government, nongovernment, and foreign specialists in the corrosion field. These reports advanced two general contentions: first, that the use of unbonded polyethylene wrap in limited test situations to date, appears to protect to some degree against certain types of corrosion; and secondly, that since the nature and extent of anaerobic corrosion is not fully understood, a carefully controlled research program is required to determine the effectiveness of unbonded polyethylene encasements.

The OPS has carefully reviewed the CIPRA petition and attached reports.

As a result of that review, OPS has determined that there is not sufficient justification to withdraw the preamble statement or to initiate a proposal for rule change at this time. However, the recent material submitted by CIPRA, while inconclusive, does suggest the need for carefully controlled tests for a better understanding of the nature of anaerobic corrosion. The information resulting from such tests may indicate the further need for a revision of the preamble statement and amendment of §§ 192.455 and 192.461 of the regulations.

The OPS has, accordingly, developed requirements for a test program designed to demonstrate the merits of external corrosion control by means of unbonded polyethylene wrap on cast or ductile iron pipe. These requirements include anaerobic and stray current corrosion control tests of such pipe. The implementation of such a test program, or one substantially similar to it, including all necessary contractual arrangements, financial support and conduct of tests, remains the responsibility of those seeking to amend §§ 192.455 and 192.461 and the related preamble material.

In consideration of the foregoing, notice is hereby given that pursuant to the petition of CIPRA, Docket OPS–5A is reopened for the limited purpose of receiving results of tests conducted by an independent unbiased testing organization in accordance with the OPS document entitled "Tests Required to Permit Further Consideration of the Use of Unbonded Polyethylene Film Wrap on Cast or Ductile Iron Pipe." After a test program conforming to the OPS document has been in progress for at least 1 year and the results are deemed conclusive, the OPS may consider such results as the basis for determining whether or not to initiate a rule making action to amend Part 192. A copy of the OPS document describing the tests may be obtained at no cost by addressing a request to the Director, Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590.[1]

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A of Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on December 5, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.72-21153 Filed 12-7-72;8:56 am]

[1] A copy of this document has been filed with the Office of the Federal Register.

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 331]

CONTRACT COVERAGE

Proposed Exemptions and Waivers

The Cost Accounting Standards Clause has been required to be included in appropriate national defense contracts since October 1, 1972. The Board believes that in certain cases a waiver of that requirement may be appropriate. The Board, therefore, proposes to establish a mechanism by which waivers, when justified, can be granted for contracts or subcontracts.

The Defense Security Assistance Agency has indicated to the Board that inclusion of the Cost Accounting Standards Clause may increase significantly the difficulties connected with implementing offset arrangements. Similarly the Assistant Secretary of Defense (I&L) believes that application of standards to foreign contracts could adversely affect the U.S. trade balance. In recognition of such possibilities and of other problems which could arise abroad, the Board also proposes to establish a mechanism by which waivers, when justified, can be granted for a contract or subcontract to be performed outside the United States by a foreign government or by a foreign concern.

The Board notes that if the proposed amendment is adopted, it is prepared to act promptly in response to requests for waivers but that the Board's ability to respond promptly will depend in very large measure on whether or not the agency's request for a waiver is in full accord with the proposed requirements.

In the interest of clarity, the waiver provision in § 331.6(c) is proposed to be deleted from that section and transferred to § 331.3.

Interested parties are invited to submit written views concerning these proposals to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548, to arrive not later than January 15, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

The following modifications to Part 331 of the Board's regulations are proposed in light of the foregoing:

Section 331.3, *Applicability, exemption, and waiver,* is modified by adding a new paragraph (c) to read as follows:

§ 331.3 Applicability, exemption, and waiver.

* * * * *

(c) (1) Upon request of the Secretary of Defense, the Deputy Secretary of Defense, or the Assistant Secretary of Defense (Installation and Logistics), or outside the Department of Defense, of officials in equivalent positions, the Cost Accounting Standards Board may waive the requirements of paragraph (a) of this section with respect to a contract or subcontract to be performed within the United States, or a contract or subcontract to be performed outside the United States by a domestic concern. A domestic concern is an incorporated concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States. (In the context of this subparagraph, "concern" refers to a prospective or actual contractor. Thus, a contract with a foreign subsidiary or foreign branch or business office of a U.S. corporation would not be a contract with a domestic concern. Conversely, a contract executed by a foreign salesman or agent on behalf of a domestic concern would nevertheless be a contract with a domestic concern since the basic contractual and legal responsibility resides with the domestic concern.) Any request for a waiver shall describe the contract or subcontract for which waiver is sought and shall contain (i) a written, unequivocal statement by the proposed contractor or subcontractor that it refuses to accept a contract containing the Cost Accounting Standards Clause, (ii) a statement whether the contractor or subcontractor has accepted any prime contract or subcontract with any Federal department or agency containing the Cost Accounting Standards Clause, (iii) the amount of the proposed award, (iv) a statement that no other source of the supplies or services being procured is available to satisfy the needs of the agency on a timely basis, (v) a statement of any alternative methods of fulfilling the project or program needs and the agency's reasons for rejecting such alternatives, (vi) a statement of the steps being taken by the procuring agency to establish other sources of supply for future procurements of the products or services for which a waiver is being requested, and (vii) any other information that may aid the Board in evaluating the requested waiver.

(2) Upon request of the Secretary of Defense, the Deputy Secretary of Defense, or the Assistant Secretary of Defense (Installation and Logistics), or outside the Department of Defense, of officials in equivalent positions, the Cost Accounting Standards Board may waive the requirements of paragraph (a) of this section with respect to a contract or subcontract to be performed outside the United States by a foreign government or a foreign concern. A foreign concern is a concern that is not a domestic concern, as defined in subparagraph (1) of this paragraph. Any request for a waiver shall describe the specific contract or subcontract for which waiver is sought and shall contain a complete statement of (i) the amount of the proposed award, (ii) a statement that no other source of the supplies or services being procured is

available to satisfy the needs of the agency on a timely basis, (iii) a statement of any alternative methods of fulfilling the project or program needs and the agency's reasons for rejecting such alternatives, (iv) a statement of the steps being taken by the procuring agency to establish other sources of supply for future procurements of the products or services for which a waiver is being requested, and (v) any other information that may aid the Board in evaluating the requested waiver.

(3) In the event the agency head determines that it is impractical to secure a required disclosure statement in accordance with the contract clause and § 331.6, he may authorize award of such contract or subcontract. He shall within 30 days thereafter submit a report to the Cost Accounting Standards Board, setting forth all material facts.

(4) The authority in this § 331.3(c) shall not be delegated.

§ 331.6 [Amended]

Section 331.6, *Postaward disclosure*, is modified by deleting paragraph (c).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.72-21099 Filed 12-7-72;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19646; FCC 72-1070]

PUBLIC SAFETY RADIO SERVICES

Reduction of Authorized Bandwidth for Use of Frequencies

In the matter of amendment of Parts 2 and 74 of the Commission's rules to reduce the authorized bandwidth for the use of the frequencies 166.25 and 170.15 MHz, Docket No. 19646.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Remote pickup broadcast base and land mobile stations and base, land mobile, and fixed stations in the Public Safety Radio Services are authorized the use of frequencies 166.25 and 170.15 MHz on a secondary basis to Government stations under the conditions specified in footnote US11 to the Table of Frequency Allocations, § 2.106 of the rules.

3. Because of the need for additional channels for Government stations in this portion of the spectrum, the Office of Telecommunications Policy (OTP) has requested the Commission to review non-Government assignments in the band with a view toward reducing authorized bandwidth. The OTP advises that, from the standpoint of Government use of the band, an authorized bandwidth of 25 kHz for non-Government assignments on these two frequencies would be most satisfactory.

4. At present the authorized bandwidth for the frequencies in question is 20 kHz in the Public Safety Radio Services and 60 kHz for remote pickup broadcast stations. A review of the FCC assignment records indicated that many of the remote pickup transmitters used on these frequencies are standard models which have been type accepted for 16F2/16F3 emissions. Therefore, assuming such equipment has not been modified to operate with wider emissions than that for which it is type accepted, it would appear that a reduction in authorized bandwidth from 60 kHz to 25 kHz, as requested by OTP, is technically feasible. Comments are especially invited in this notice as to the extent to which both type accepted and nontype accepted equipment can meet the proposed narrower bandwidth and the effect such reduction will have on broadcast quality. Alternative bandwidths might be suggested if justification is included. Comments are also invited on the costs of modifying existng transmitters and receivers and the period of time required to permit an orderly changeover to the new bandwidth standard.

5. It appears that there may be no hardship in reducing the maximum authorized bandwidth for the frequencies 166.25 and 170.15 MHz from 60 kHz to 25 kHz. Proposed amendments to Parts 2 and 74 are set forth below. No modification of the Public Safety Radio Service rules, Part 89, is required; the frequencies are authorized in § 89.359(f).

6. This proposed Amendment is issued pursuant to authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 12, 1973, and reply comments on or before January 22, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it in addition to specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION [1]
BEN F. WAPLE,
Secretary.

Parts 2 and 74 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

[1] Commissioner Johnson concurring in the result.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, footnote US11 is amended to read as follows:

US11 The use of the frequencies 166.250 and 170.150 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 25 kHz) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

2. In § 74.436(a), subparagraph (3) is amended and subparagraph (6) is added to read as follows:

§ 74.436 Emission authorized.

(a) * * *

(3) For stations operating on the frequencies 152.87 to 153.35 and 160.89 to 161.37 MHz, 60 kilohertz.

* * * * *

(6) For stations operating on the frequencies of 166.25 and 170.15 MHz, 25 kilohertz.

* * * * *

[FR Doc.72-21157 Filed 12-7-72;8:56 am]

[47 CFR Parts 21, 43, 61]

[Docket No. 18920; FCC 72-1071]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Specialized Common Carrier Services

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic point-to-point microwave radio service and proposed amendments to Parts 21, 43, and 61 of the Commission's rules, Docket No. 18920 (RM-1700), (RM-2024).

1. On June 3, 1971 the Commission released its first report and order in this proceeding (29 FCC 2d 870) resolving questions relating to the entry of new

specialized common carriers, comparative consideration of competitive applications (Issue B), and proposed technical requirements (Issue C). On June 21, 1971 (36 F.R. 12113, June 25, 1971) a further notice of inquiry and proposed rule making was released (30 FCC 2d 288) which, among other things, solicited more complete comments on local distribution (Issue E). Inasmuch as the telephone carriers had indicated a willingness to interconnect with any specialized carriers the Commission may authorize, it was requested that comments be specifically directed to MCI's proposal to allocate frequencies in the 38.6–40 GHz for local distribution (RM–1700)[1] and the possible use of other suggested regions of the spectrum (11 GHz, 18 GHz, 30 GHz, and 50 GHz).

2. Comments were filed by 18 parties: four equipment manufacturers (Cubic Corp., Varian Associates, Laser Link Corp. and Resalab, Inc.); 10 carriers[2] three associations (Electronic Industries Association—EIA, United States Independent Telephone Association—USITA, and National Cable Television Association—NCTA); and the city of Dallas, Tex. Reply comments were filed by MCI, Datran, A. T. & T., the American Petroleum Institute and the Utilities Telecommunications Council.

THE COMMENTS RECEIVED

3. The Comments generally support allocation in the higher bands, especially in the 18 GHz (17.7–19.7 GHz) and 39 GHz (38.6–40 GHz) bands. Little active interest is currently expressed in the 27.5–29.5 GHz band, but it is seen, more or less, as the next band for development when the 18 GHz band becomes congested. The equipment manufacturers generally agree that the radio equipment for both the 18 and 39 GHz bands is within the state of the art and can be manufactured largely from existing hardware. At least two manufacturers indicate that equipment could be made available within 12 to 18 months. It is widely conceded that equipment costs, at least initially, would be somewhat higher at 18 GHz and above compared with currently used bands, but several parties believe that design trade-offs will enable the equipment to be competitive with lower band equipment.

4. Little support is found for Datran's proposed use of 11 GHz (10,700–11,700 MHz) frequencies for local distribution. Aside from Datran only United Video expresses strong support for such use, citing lack of available equipment in the higher bands, lesser reliability and greater cost. Datran does not reject 18 GHz for local distribution, but rather it proposes the higher band as an alternative or backup to 11 GHz. It prefers 11 GHz because of lower costs, longer path lengths and availability of equipment. Datran believes that its proposed use of 11 GHz for local distribution is compatible with the established frequency usage of existing carriers and will result in minimum impact on the availability of frequencies for other uses. Several other parties comment that they are not opposed to the use of 11 GHz for local distribution, but they note that such use would be limited because of congestion and possible shared use of portions of the bands for satellite purposes.[3]

5. On the other hand, the general use of 11 GHz for local distribution (other than on a temporary ad hoc basis) is opposed by a number of parties, among them Western Union, A.T. & T., USITA, Resalab, EIA, and Southern Pacific. Two principal reasons cited are the potential conflict with existing 11 GHz facilities and a view that the band ought to be reserved for intercity and intracity high capacity trunks. A.T. & T. states that it has some 5,000 existing stations which utilize 11 GHz and that the band is becoming so congested that it is difficult to terminate 11 GHz routes in some major cities. It further takes the position that the 10,000 local distribution links estimated to be required within the next few years[4] would create intolerable frequency congestion at 11 GHz. Southern Pacific, among others, contends that frequency coordination would become much more difficult; a number of local distribution systems operating in a given area would tend to establish relatively noisy background throughout the area due to reflection and scatter caused by buildings. In reply Datran contends that A.T. & T. is attempting to reserve the 11 GHz band for its own intracity use,[5] and that Datran proposes to use 11 GHz for relatively high density backbones rather than to saturate the area.

6. There is, as previously indicated, no opposition to the allocation of the 18 GHz band; however, various views are presented concerning projected use of the band. A.T. & T. urges that the band be reserved for high capacity, wide band digital communications. It is considering 18 GHz for high capacity intercity facilities, as a feeder for extremely high capacity intercity facilities (such as millimeter wave guide), and/or for trunking bundles of digital carrier systems within metropolitan areas. A.T. & T. anticipates that such facilities would employ "rugged modulation techniques," such as pulse code modulation with phase shift keying (PCM–PSK) suitable for congested areas, would have digital transmission rates exceeding 100 Mb/s with capacities as high as 28,000 circuits, and would be capable of 2–5-mile transmission paths with 0.1 watt transmitters and 40 dB gain antennas. In contrast to the A.T. & T. type of facilities (which would require bandwidths well in excess of 100 MHz), local distribution at 18 GHz would require much smaller capacity and narrower bandwidths. For example, Datran's system would utilize frequency pairs 20 MHz wide and employ 1–10 milliwatt transmitters, each channel carrying from 500 to 2,000 4.8 kb/s circuits.[6]

7. Comments on the possible use of the 39 GHz band centered primarily around MCI's proposal. As set forth in RM 1700, MCI would divide the band into six channel pairs, each 90 MHz wide (the remainder of the band essentially being occupied by a 75 MHz guard band on each end and a 120 MHz center guard band). Under such plan a carrier would be authorized exclusive use of a channel pair in a given area to be subdivided and used as needed by the carrier without path by path assignment. MCI's proposal is generally supported in the comments, although there is some disagreement with regard to various technical parameters, primarily the channelizing plan. Laser Link takes the position, as do several others, that the MCI proposal leaves too much guard band. It suggests division into 12–14 100 MHz channels. A.T. & T. suggests dividing the band into two half bands of 700 MHz each which would permit several combinations of two-way channels, e.g., 7–100 MHz, 10–70 MHz, 14–50 MHz, etc. It favors the combination of 14–50 MHz channels. Resalab suggests six two-way channels of 80 MHz each for common carrier use plus two channels for commercial and educational private use (with a 20 MHz guard band between each channel).

8. Several suggestions are made that frequency assignments bear some relationship to path distance. GTE proposes a minimum path length of 17 km. for the 4 and 6 GHz bands, 5 km. for 11 GHz and 2 km. for 18 GHz and minimum loading of 600 and 300 channels. GTE contends that such plan would have meaningful relationship to the efficient use of microwave frequencies in lieu of intracity and intercity designations. EIA similarly suggests a distance factor, with assignments made taking into account the practical range of frequencies in each band. It lists the suitable maximum hop (path) lengths for the 11, 18, 30, 40, and 50 GHz bands as 15, 7, 3, 3, and 2 miles, respectively. A.T. & T. is opposed to any

[1] RM–1700 and RM–2024, which involves the possible use of part of the 11 GHz band for local distribution (see paragraphs 14 and 15 below), are consolidated into this proceeding.

[2] American Telephone & Telegraph Co. (A. T. & T.), Western Union Telegraph Co., United Video, Inc., Microwave Communications, Inc. (MCI), Comsat, Data Transmission Co. (Datran), General Telephone and Electronics (GTE), Microwave Transmission Corp., Southern Pacific Communications Co., and Interdata Communications, Inc.

[3] The 1971 agreement in World Administrative Radio Conference (WARC) for space specifies that bands 10.95–11.2 GHz and 11.45–11.7 GHz can be shared with the fixed-satellite service for space-to-earth transmission.

[4] Resalab estimates that 10,000 local links will be required within 6 years, while MCI states that it alone will require 10,000 links within 2 years.

[5] In support it cites the applications of New York Telephone Co., Files Nos. 7170/7171–C1–P–71, 882/883–C1–P–71 and 223/224–C1–MP–72, involving the use of 11 GHz for intracity trunking in New York City between Staten Island and Brooklyn.

[6] It is assumed that Datran's 18 GHz facilities would operate essentially the same as its 11 GHz system.

hop length guide. It contends that such a standard would limit its flexibility and could necessitate the use of multiple equipment on a route, thereby complicating and increasing the cost of maintaining and testing such a mixed system.

9. Several comments were received concerning the possible use of the higher bands by private users. These comments offer no details of any proposed operation but merely indicate a possible desire to use the bands once equipment becomes available. The Utilities Telecommunications Council and the American Petroleum Institute urge that only developmental authorizations be granted at this time, with technical standards and allocations between common carriers and private users being developed later. Several suggest that standards be developed through an advisory committee.

DISCUSSION

a. LOCAL DISTRIBUTION AND THE LOWER BANDS

10. In considering rules and policy for "local distribution" we note at the outset that it is difficult to define accurately what is encompassed in the term. We have used the term rather loosely to describe those facilities that would be used to connect circuits on a carrier's intercity trunk terminal with numerous customer locations or customer "clusters." While microwave radio is likely to facilitate and improve the cost effectiveness of local distribution, it will hardly be used in a way that is conceptually different from its present intercity use. The distinction between the two is one of degree. Both concern point-to-point, two-way traffic, with local distribution generally involving lighter traffic requirements over shorter distances in metropolitan areas. However, even that generalization is not entirely accurate in view of the proposed uses contained in the comments. For instance, compare the high capacity local trunking that A.T. & T. has in mind with the relatively low capacity cluster interconnection approach of Datran.

11. Apart from the difficulty of clearly distinguishing local distribution from other types of point-to-point radio facilities, it is pertinent to consider the actual need for classification. If frequency congestion was nonexistent there would perhaps be little reason to restrict the uses of the various radio bands. Each band could be used in a way that would best suit each licensee's needs most economically. However, that is not the case. Substantial, if not severe, congestion exists in the 4 and 6 GHz bands in many parts of the country, especially in and around the large metropolitan areas. Also, it is appropriate to note that the lower bands, unlike those at 18 GHz and above, are substantially superior for rendering satisfactory services over the longer distances necessary for economical intercity transmissions. Thus, it is evident that generally, with the possible exceptions noted below, the lower bands should be reserved for intercity traffic or longer trunk routes within a metropolitan area and that other short distance traffic should be transmitted at the higher frequencies.

12. In light of the foregoing, it appears to us that in the case of the lower bands (2 GHz, 4 GHz, 6 GHz, and 11 GHz) it would be more logical and reasonable to determine the appropriate frequency band to be used upon the basis of a combination of distance and loading criteria, rather than to attempt to distinguish between "intercity" and "local distribution" usage as such. Therefore, we are proposing minimum path distances for these bands as follows:

2 GHz	5 km. or more
4 GHz	17 km. or more
6 GHz	17 km. or more
11 GHz	5 km. or more

We are also proposing the following anticipated loading guidelines for these bands:

2 GHz—Less than 250–4 kHz channels or equivalent.

4 & 6 GHz—Minimum of 900–4 kHz channels or equivalent for analog systems, or 10 Mb/s for digital systems.

11 GHz—Minimum of 250–4 kHz channels or equivalent for analog systems, or 5 Mb/s for digital systems.

Applications which meet the above proposed path distance requirement and loading factor guideline for the frequency band involved will be considered regardless of whether the proposed usage is deemed to be "intercity" or a "trunk route within a metropolitan area." In essence, the various lower bands would be reserved for the use for which we believe they are best suited: The 4 and 6 GHz bands for wide band, long distance communications; the 2 GHz band (2110–2130, 2160–2180 MHz) for narrow band, medium to long distance communications; and the 11 GHz band for moderate to wide band, medium distance communications. We believe that shorter distance, narrow band requirements can be efficiently satisfied in a higher band. In order to alleviate the problem of multiple equipment types on a single route, we would allow some deviation from the minimum path length where it is shown that the use of mixed frequency bands on a given route would unreasonably complicate maintenance and operation procedures or substantially increase cost. Where the proposed channel loading projection is more than the guidelines for the 2 GHz band and less than those specified for the 4 and 6 GHz band, we would consider a request for waiver to permit use of the latter bands upon a showing that frequency congestion is unlikely in the area involved and the use of the 11 GHz would entail significant added costs.

13. The proposed anticipated loading factor guidelines for use of the lower bands reflect, for the most part, informal processing standards now being utilized and should not cause any substantial disruption to existing licensees or new applicants. As set forth in proposed § 21.710 (c) below, the guidelines are for a projected 5-year period. It is contemplated that for initial licensing a good faith projection by the applicant, that is satisfactory to the Commission, would suffice. Where we are satisfied that such projection represents a good faith estimate by applicant of its future channel requirements we will dismiss any petition to deny filed by a competitor and directed solely to a challenge of applicant's projections. It is further contemplated that once frequencies have been authorized to a carrier, the guidelines will not be applicable to applications for renewal of license. In other words, the loading factor guidelines are designed to promote our objectives that reasonably efficient use is likely to be made of the wide band channel, to the extent practicable, and that applicants whose anticipated loading requirement is smaller than the guidelines should apply for frequencies in a band allocated for narrow band transmission.

14. In view of the increasing reliance being placed on the 11 GHz band for intercity traffic, we believe it is appropriate to attempt to maximize the use of the band. Currently, the rules specify a 50 MHz maximum bandwidth at 11 GHz. But the channel plan most widely used and that recommended by the CCIR[7] is based on 40 MHz channel spacing, while the widest bandwidth of any currently authorized equipment is 30 MHz. Accordingly, it is obvious that the use being made of the 11 GHz band is less than optimum. However, considering the current investment in operating equipment and the existing frequency plan, our ability to substantially improve utilization of the band may be limited. At minimum, though, it does appear that the maximum bandwidth should be reduced to 40 MHz to conform with the presently utilized frequency plans. Beyond that, more efficient utilization of the band may be further achieved through the development of new equipment fully utilizing a 40 MHz bandwidth, thereby occupying a full channel, or a 20 MHz bandwidth, thereby permitting the use of interstitial channels. Another interesting possibility concerns the possible interstitial use of the 10 MHz slot which occurs as the result of using 30 MHz equipment with 40 MHz channel spacing. In this regard, MCI has recently filed a petition for rule making (RM–2024) which proposes that the Commission permit this 10 MHz to be used for low-power (up to 100 milliwatts), intracity local distribution. Utilizing double sideband AM equipment with .001 percent frequency stability, it would be possible, according to MCI, to realize a usable spectrum of 8600 kHz in each slot. MCI's petition is opposed by A.T. & T. and Datran and jointly by VICOM (a manufacturing subsidiary of Continental Telephone Corp.) and Microwave Associates, largely on grounds of technical feasibility and policy. VICOM/

[7] See CCIR, Volume IV, New Delhi, 1970.

Microwave Associates points to the development of equipment utilizing a 40 MHz bandwidth which is capable of transmitting, on a cross polarized basis, 2304 voice channels or 158 Mb/s of data.

15. On the basis of the record before us, we are unable to conclude which approach would be likely to yield a more efficient utilization of the 11 GHz band. However, in its petition, MCI has made an extensive technical analysis involving its proposal, and we believe it deserves more thorough analysis and consideration. Therefore, we solicit additional comments on the MCI proposal (see RM-2024 for details) as compared to the possible utilization of the band by equipment having a bandwidth of either 20 or 40 MHz (in lieu of 30 MHz). If the interstitial use suggested by MCI is ultimately adopted after consideration of such comments, it would not, of course, be subject to the channel loading and distance restrictions of regular 11 GHz channels.

b. THE 18–22 GHZ BANDS

16. Our principal objective in allocating frequencies and developing technical standards for the use of the higher bands is to provide for and encourage a wide diversity of use under conditions which will stimulate the development of equipment that can provide service at economical costs, will adequately satisfy the high-capacity needs of A.T. & T. for its basic communications services, and will further the Commission's "objective to promote and maintain an environment within which existing and any new carriers shall have an opportunity to compete fairly and fully in the sale of specialized services" (First Report and Order, supra). We believe that development should proceed according to an overall plan that will accommodate those considerations without undue prejudice to the best possible long range use of these frequencies that can be foreseen. There has in the past been a tendency to underestimate the future use of a new, higher radio band and thus not plan for heavy use on an orderly basis. The details of the proposed rules to accomplish these objectives are contained in the appendix attached hereto.[7a] A discussion of the major considerations follows.

17. As noted, earlier, the comments indicate two general types of expected uses: One involving high diversity local trunking as proposed by A.T. & T; the other involving local distribution of relatively small circuit quantities to customer clusters as proposed by Datran. The contrast between these uses becomes obvious when the capacities and bandwidths are examined. The A.T. & T. type use would require dividing the band into about eight two-way channels (seven working and one protection), each about 200–250 MHz wide, with a total route capacity of some 28,000 voice circuits. Datran, on the other hand, would utilize channels either 0.85 or 8.5 MHz wide (not including guard band) that would be capable of transmitting 100 or 1000 4.8 kb/s data circuits. The comments indicate that there may well be other types of systems with requirements in between.

18. While these diverse requirements may not be mutually exclusive, their coexistence in the same band is likely to create problems, especially for the wide band use. While narrow band usage may occupy little spectrum space in comparison, it is likely to block the use of one or more wide band channels even if frequencies are carefully selected. The problem is compounded because both types are contemplated for metropolitan area use and because of the "scatter" configuration likely to be required for specialized carrier local distribution. It takes little analysis to appreciate the impact on the economy of operation that the loss of several channels would have on a seven working channel system. In view of this and the shared use of the band with satellite communications we do not believe it wise to mix wide and narrow band uses throughout the 18 GHz band.

19. On the other hand, if the entire 2000 MHz is reserved for high capacity, wide band digital transmission, as urged by A.T. & T., the practical effect would be to deny other carriers any access to the 18 GHz band. As previously indicated, there is general support in the comments for the use of 18 GHz frequencies, as well as the 39 GHz band, for local distribution purposes. The 18 GHz frequencies are acceptable to Datran, whose preferred request for 11 GHz has been rejected. Moreover, equipment manufacturers generally agree that radio equipment for the 18 GHz band is within the state of the art and can be manufactured from existing hardware. At least two manufacturers indicate that equipment could be made available within 12 to 18 months.

20. We have considered the possibility of allocating the 18 GHz band exclusively for wide band use and the 21.2–22.0 GHz and 2.0–23.6 GHz bands exclusively for narrow band use. These latter bands (which we will refer to as the 22 GHz bands) are proposed to be made available for shared Government/non-Government use in the Notice of Proposed Rule Making in Docket No. 19547, released July 26, 1972 (37 F.R. 15714, August 4, 1972; FCC 72-629). Based on our past experience we do not anticipate any significant problem because of Government use of the bands. However, coordination would be required as is now done in other bands shared with Government users, which could be a delaying factor in the processing of applications. Moreover, while we believe the difference between the 22 GHz bands and 18 GHz band in terms of performance characteristics, the timing of equipment development is likely to be insubstantial, no opportunity has been afforded interested parties to comment on these matters as has been done with respect to 18 GHz.[8]

21. We have previously stated our "belief that established and new carriers competing in the provision of terrestrial services should not be placed in unequal positions with respect to access to frequency bands" (First Report and Order, 29 FCC 2d 870, 927). The Bell System, through its control of local companies, already has a dominant position in controlling access to local distribution plant required by specialized carriers proposing interstate services that may be in competition with A.T. & T. services. Under these circumstances and to further our objective of creating an opportunity for full and fair competition in the sale of specialized services, other carriers should not be barred from access to frequency bands made available to A.T. & T.

22. Upon weighing all relevant considerations, we have decided to propose a frequency plan for the 18 GHz band which entails eight two-way channels, each 220 MHz wide, with a center guard band.[9] Terrestrial use of seven of these channels would be restricted to common carriers with a minimum bandwith requirement of more than 100 MHz. The center guard band (240 MHz wide), with possible expansion into an eighth wide band channel, would be provided for use by carriers with a terrestrial bandwidth requirement of 100 MHz or less,[10] and the 22 GHz bands would be totally allocated for such narrow band use. Since route blockage is not likely to be a major factor for narrow band systems and in order to allow greater flexibility of use, no frequency plan is tentatively proposed for use of the narrow band portion of the 18 GHz band. However, we do propose that assignments be made on the basis of the lowest available frequency (on a split band basis for two way communications) in both the narrow band portion of the 18 GHz band and in the 22 GHz bands. Beyond that we invite comment on whether channelizing plans would be advisable, and if so, what those plans may be. We may, therefore, upon final consideration of these rules adopt channelizing plans which we may apply to all users of the 18 and 22 GHz bands. Unlike in the 18 GMz band, we do not propose to restrict use of the 22 GHz bands to common carriers (although no specific proposal for noncommon carrier use is being made in this proceeding). Other technical details pertaining to the 18 and 22

[7a] Consistent with our Notice of Proposed Rule Making in Docket No. 19547, released July 26, 1972 (37 F.R. 15714, Aug. 4, 1972; FCC 72-629), we tentatively propose that the 18 GHz band be restricted to common carrier use. However, before finalizing this restriction we will consider any comments that may be filed in this proceeding as to whether private users should also have access to this band, either on a shared basis or by allocating a portion of it for private use.

[8] The 22 GHz bands were not included among the frequencies on which the Further Notice requested comments.

[9] This frequency plan contemplates the use of digital modulation techniques. Hence, it is believed that polarization discrimination would permit the transmission of two distinct signals per radio frequency channel. It is estimated that each channel on a system employing four-phase PSK could have a maximum capacity of about 280 Mb/s.

[10] However, where the remaining wide band channels have been exhausted and no narrow band use has been made of this eighth channel, it may be utilized as a wide band channel.

GHz bands, as now proposed, are contained in the appendix. It is appropriate to note that the 18 GHz band is shared with satellite users. Therefore, we solicit comments on the compatibility of the proposed frequency plan with satellite use of the band.

c. THE 39 GHZ BAND

23. As noted previously the comments contain much support and no real opposition to the MCI approach on the development of the 39 GHz band, although there are suggested improvements. We are of the opinion that the block allocation concept as proposed by MCI has merit and should provide substantial benefit to both the carriers and their customers by permitting the expeditious establishment of radio channels without the delay caused by the necessity of path by path authorization. However, rather than dividing the band into six channel pairs, each 90 MHz wide, plus guard bands as proposed by MCI, we believe a division into narrower channels would be superior. Therefore, we propose a frequency plan consisting of 14 channel pairs, each 50 MHz wide.[11] This plan would provide more flexibility in that users with relatively small requirements would not waste part of a larger assignment (e.g., 90 or 100 MHz), but users who require more capacity could obtain two or more channels.

24. Under this proposal a carrier would be assigned a pair of channels in a given area, and he would then be permitted to subdivide the channels and transmit over any desired path in such area without further authorization. We do, however, propose to require prior notification of each use. The intended area of operation would be defined by the applicant in his application as bounded by four coordinates. Overlapping or adjacent operational areas would not be authorized for the same channel pair. Of course, we will insist that areas of operation be kept as small as possible consistent with the carrier's service responsibility. Other details are specified in the text of the proposed rules contained in the appendix.

d. GENERAL MATTERS

25. On the question of frequency tolerance for 18 GHz and above we solicit comments. On one hand, a relatively tight tolerance would promote more efficient occupancy of the spectrum and appear to be warranted due to the greater bandwith the percentage figures represent at the higher frequencies. On the other hand, increased tolerance means greater equipment cost. It would appear that the wide band, high capacity equipment to be used in the 18 GHz band may require a somewhat tighter tolerance than may be justified in the narrow band portion of the 18 GHz band or in the 22 and 39 GHz bands, which operations are likely to be more cost sensitive because of lighter loading. Comments on this question should address the various trade-offs (e.g., cost vs. capacity vs. channel spacing) and roughly at what percentages do new design elements (e.g., automatic frequency control) become necessary. Tentatively, we have decided to extend the 0.03 percent tolerance now required at frequencies below 10,500 MHz to the higher bands,[12] and to also require that where allocation is made pursuant to a channel plan (i.e., in the 18 and 39 GHz bands) that carrier frequencies be maintained sufficiently within the assigned band edge so that radiation does not occur outside the channel.

26. No limitation is proposed at this time on the type of modulation to be used in the higher bands. Either analog or digital techniques may be employed, but from the comments received it appears that there is little interest in analog. Therefore, if analog is used, it should be designed to tolerate what may be described as "digital atmosphere" at 18 GHz and above. This policy would, of course, be subject to modification pursuant to any action that may be considered appropriate in connection with the proceeding in Docket No. 19311[13] or otherwise.

27. A nontechnical matter concerns the comments submitted by the city of Dallas. It requests that local governments be permitted to retain traditional rights to franchise data communications firms and assess franchise fees for operation thereof. Our previous notice did not, of course, address questions of this sort. However, it may be appropriate to briefly state at this time what the Commission believes to be the Federal interest in local distribution. Title II of the Communications Act gives the FCC exclusive jurisdiction to authorize and regulate interstate communications common carriers but leaves to the State and local governments, as appropriate, the essential authority to regulate the intrastate services of such carriers. In addition, title III gives the FCC exclusive authority over all radio facilities (including the microwave facilities discussed herein) whether in interstate communications or not. Interstate communications, of course, includes the radio facilities for local distribution of such communications. However, where solely intrastate communications is involved, the Commission does not authorize radio facilities to a common carrier unless the applicant has any necessary State or local authorization.[14] The Commission, of course, has always recognized the legitimate local interest in the location of radio towers, underground cable ducts, overhead wire facilities and other physical plants of this sort, and it does not object to reasonable local control over these matters so long as interstate communications are not impeded or burdened in any substantial way.

CONCLUSION

28. The proposed rules are set forth below.[15] Common carrier applications involving the use of the higher frequencies (18 GHz and above) may be filed but no final action, except on a developmental basis, will be taken pending the finalization of these rules. Applications for frequencies below 18 GHz for intercity use will, pending the effective date of any new rules adopted in this proceeding, continue to be considered and acted upon pursuant to existing rules and policies. However, where an applicant seeks to use these lower frequencies for other than intercity use, we will act only on those applications that are consistent with the distance and loading criteria proposed, unless it is shown that there is no other alternative and that there is a compelling need for public service.

29. Authority for this proposed rule making is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before February 12, 1973, and reply comments on or before March 14, 1973. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

30. In accordance with the provision of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 29, 1972.

Released: December 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[16]
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 21 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

1. In § 21.1 add the following definition, in appropriate alphabetical order, to read as follows:

[11] No center or end guard bands are proposed since it is believed that they would be helpful only in limited circumstances and not justified by spectrum occupancy considerations.

[12] We also raise the question of whether the present 0.03 percent tolerance for the frequency range 2,450–10,500 MHz should not be substantially tightened, e.g., to 0.005 percent.

[13] See notice of inquiry into the digital modulation techniques in microwave radio released September 15, 1971, 31 FCC 2d 716 (36 F.R. 18660, Sept. 18, 1971).

[14] See § 21.15(c)(4) of the Commission's rules.

[15] The text also incorporates, as appropriate, some changes necessary for consistency with the rules proposed in Docket No. 19547. It is anticipated that changes to other Part 21 rule sections affected by that proceeding will be incorporated in the rule as finalized in this proceeding.

[16] Commissioner Johnson dissenting.

§ 21.1 **Definitions.**

* * * * *

Authorized bandwidth. The maximum width of the band for frequencies permitted to be used by a station. This is normally considered to be the necessary or occupied bandwidth, whichever is greater.

* * * * *

§ 21.101 [Amended]

2. In the table in § 21.101(a) opposite the frequency range 10,500 to 40,000 MHz change the frequency tolerance (percent) for "all fixed and base stations" to .03. Also, add a new footnote, keyed to the 10,500 to 40,000 MHz band in the table, to read as follows:

[4] Additionally, in this frequency range where the Commission makes assignments according to a specified channel plan, provision shall be made to prevent the emission included within the occupied bandwidth from radiating beyond the edge of the assigned channel.

3. In § 21.107 modify paragraph (b) to read as follows:

§ 21.107 **Transmitter power.**

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range (MHz)	*Rated power output (watts)*
Below 30	50
30 to 50	350
50 to 70	50
76 to 512	[1] 250
512 to 10,000	[2] 20
10,000 to 15,000	[2] 10
Above 15,000	2

[1] Transmitter rated power output is limited to a maximum of 25 watts on frequencies in the bands 454.6625–455.000 MHz and 459.6625–460.000 MHz.

[2] In the bands 5925–6425 MHz and 10,700–11,700 MHz the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55dBW. This limitation is necessary to minimize the probability of harmful interference to reception in this band by space stations in the fixed-satellite service.

* * * * *

4. a. In § 21.701 amend paragraph (a) to read as follows (footnote text is unchanged except as specified in instruction (5)): [1]

b. In § 21.701(a) amend footnotes 4 and 5, and add new footnotes 9, 10, 11, and 12 to read as set forth below.

c. In § 21.701 add new paragraphs (j) and (k) to read as set forth below.

§ 21.701 **Frequencies.**

(a) Frequencies in the following bands are available for assignment to fixed radio stations in the Point-to-Point Microwave Radio Service:

2,110– 2,130 MHz [1 3 7]	17,700–19,700 MHz [5]
2,150– 2,160 MHz [2]	21,200–22,000 MHz [4 9 10 11]
2,160– 2,180 MHz [1 3]	22,000–23,600 MHz [4 9 10]
3,700– 4,200 MHz [5 8]	27,500–29,500 MHz [4 5]
5,925– 6,425 MHz [5 6 8]	31,000–31,200 MHz [4]
10,700–11,700 MHz [5 8 12]	38,600–40,000 MHz [4]
13,200–13,250 MHz [4]	

* * * * *

[4] Frequencies in this band are shared with fixed and mobile stations licensed in other services.

[5] Frequencies in this band are shared with stations in the fixed-satellite service.

* * * * *

[8] Frequencies in this band are shared with Government stations.

[10] Assignments in this band are restricted to the lowest frequency available that will not cause interference to another station. If two-way communications are involved, the return channel may utilize the lowest available frequency in the second half of the band.

[11] Frequencies in this band are shared with stations in the earth exploration satellite service.

[12] The band segments 10.95–11.2 and 11.45–11.7 GHz are shared with space stations (space to earth) in the fixed-satellite service.

* * * * *

(j) The band 17,700–19,700 MHz is allocated for both wide band (over 100 MHz) and narrow band (100 MHz or under) uses. Assignment for wide band uses shall be made on the basis of the following frequency plan consisting of eight two-way channels, each 220 MHz wide:

Channel Group A		Channel Group B	
Channel No.	Assigned frequency, polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency, polarized vertically (V) or horizontally (H)
1–A	17,810 V	1–B	18,930 V
2–A	17,810 H	2–B	18,930 H
3–A	18,030 V	3–B	19,150 V
4–A	18,030 H	4–B	19,150 H
5–A	18,250 V	5–B	19,370 V
6–A	18,250 H	6–B	18,370 H
7–A	18,470 V	7–B	19,590 V
8–A	18,470 H	8–B	19,590 H

Where narrow bandwidths are required, the lowest available frequency shall be selected in the band segment 18,580–18,700 MHz and/or 18,700–18,820 MHz. If frequencies of the desired (narrow) bandwidth cannot be accommodated in these band segments, application may be made for the lowest available frequency in the spectrum assigned to wide band channel 8A and/or 8B (i.e., 18,360–18,580 MHz or 19,480–19,700 MHz, horizontally polarized). Channels 8A and 8B may not be assigned for wide band use if any other wide band channels are available. If channels 8A and 8B are proposed for use for either wide or narrow band uses, applicant shall make a statement that no alternative frequencies of the desired band width are available in the band.

(k) Assignments in the band 38,600–40,000 MHz shall be according to the following frequency plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits (MHz)	Channel No.	Frequency band limits (MHz)
1–A	38,600–38,650	1–B	39,300–39,350
2–A	38,650–38,700	2–B	39,350–39,400
3–A	38,700–38,750	3–B	39,400–39,450
4–A	38,750–38,800	4–B	39,450–30,500
5–A	38,800–38,850	5–B	39,500–39,550
6–A	38,850–38,900	6–B	39,550–39,600
7–A	38,900–38,950	7–B	39,600–39,650
8–A	38,950–39,000	8–B	39,650–39,700
9–A	39,000–39,050	9–B	39,700–39,750
10–A	39,050–39,100	10–B	39,750–39,800
11–A	39,100–39,150	11–B	39,800–39,850
12–A	39,150–39,200	12–B	39,850–39,900
13–A	39,200–39,250	13–B	39,900–39,950
14–A	39,250–39,300	14–B	39,950–40,000

These channels are assigned for use within a rectangular service area to be described in the application by the maximum and minimum latitudes and longitudes. Such service area shall be as small as practicable consistent with the local service requirements of the carrier. These frequency plans may be subdivided as desired by the licensee and used within the service area as desired without further authorization subject to the terms and conditions set forth in § 21.711.

7. In § 21.703 revise paragraph (g) to read as follows:

§ 21.703 **Bandwidth and emission limitations.**

* * * * *

(g) The maximum bandwidth authorized shall not exceed that reasonably necessary to provide the proposed service but in the following frequency bands in no event shall it exceed the limits set forth below:

Frequency band (MHz)	*Maximum Authorized bandwidth (MHz)*
2,110–2,130	3.5
2,150–2,160	10.0
2,160–2,180	3.5
3,700–4,200	20.0
5,925–6,425	30.0
10,700–11,700	40.0
13,200–13,250	25.0
17,700–19,700	220.0
21,200–22,000	100.0
22,000–23,600	100.0
27,500–29,500	200.0
31,000–31,200	200.0
38,600–40,000	50.0

* * * * *

8. Add a new § 21.710 to read as follows:

[1] The changes proposed to this section in the notice in Docket No. 19493, released April 26, 1972 (FCC 72-360) are not incorporated in this text.

§ 21.710 Limitations on path lengths and channel loading.

(a) Frequencies in the following bands shall not be used on transmission paths of less than the indicated distances.

Frequency band (MHz)	*Minimum path distances (in kilometers)*
2,110–2,130	5
2,160–2,180	5
3,700–4,200	17
5,925–6,425	17
10,700–11,700	5

(b) Exception to the limits in paragraph (a) may be made by the Commission when a showing (with supporting facts) is made that the use of another frequency in conformance with the rule would introduce a new type of equipment into a transmission system which would involve a substantial increase in cost or unreasonably complicated system maintenance. The distance limitation does not apply to a frequency which is power split if one transmission path of that frequency meets the minimum distance requirement.

(c) Except for video transmission, new applications for frequencies in the following bands will not be accepted for filing where the anticipated channel requirements (within a projected 5-year period) are less than the specified minimum per microwave channel.

Frequency band (MHz)	Minimum loading for analog systems (4 kHz channels or equivalent)	Minimum loading for digital systems (bit rate)
3,700–4,200	900	10 Mb/s
5,925–6,425	900	10 Mb/s
10,700–11,700	250	5 Mb/s

9. Add a new § 21.711 to read as follows:

§ 21.711 Special requirements for operation in the band 38,600–40,000 MHz.

Assigned frequency channels in the band 38,600–40,000 MHz may be subdivided and used anywhere in the authorized service area, subject to the following terms and conditions:

(a) No interference shall be caused to a previously existing station operating in another authorized service area.

(b) The Commission's engineer in charge of the radio district in which the intended operation is located shall be notified prior to the commencement of operation of each frequency path. Such notice shall include:

(1) The authorized call sign, transmitter station location number (assigned by the carrier in sequence of use beginning with No. 1) and transmitting station coordinates;

(2) Receiving station location number and coordinates;

(3) The exact frequency or frequencies to be used (which shall be considered the assigned frequency or frequencies); and

(4) Anticipated date of commencement of operation.

(c) The engineer in charge shall be notified within 10 days of the termination of any operation. The notice shall contain similar information to that contained in the notice of commencement of operation.

(d) Each operating station shall have posted a copy of the service area authorization and a copy of the notification provided to the engineer in charge.

(e) Twice each year, no later than January 31 and July 31, the Commission and the engineer in charge shall be provided a complete list (in tabular form) of all operations in each authorized service area (listing information as contained in the notices) current as of the previous January 1 or July 1. If no change has occurred since the previous list was filed, a statement to that effect will be satisfactory.

(f) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure for each location has been obtained from the Commission prior to erection of the antenna.

10. In § 21.801 amend paragraphs (a) and (d) as follows:

§ 21.801 Frequencies.

(a) Frequencies in the following bands are available for assignment to television pickup and television nonbroadcast pickup stations in this service:

6,425 to 6,525 MHz
11,700 to 12,200 MHz [3]
13,200 to 13,250 MHz [1]
21,200 to 22,000 MHz [1 2 4 5]
22,000 to 23,600 MHz [1 2 5]

[1] This frequency band is shared with fixed and mobile stations licensed under Part 21 and other parts of the Commission's rules.

[2] This frequency band is shared with Government stations.

[3] This frequency band is shared, on a secondary basis, with stations in the broadcasting-satellite and fixed-satellite services.

[4] This frequency band is shared with stations in the earth-exploration satellite service.

[5] Assignments in this band are restricted to the lowest frequency available that will not cause interference to another station.

* * * * *

(d) Frequencies in the following bands are available for assignment to television STL stations in this service:

3,700 to 4,200 MHz [1 8]
5,925 to 6,425 MHz [1 5]
10,700 to 11,700 MHz [1 6]
13,200 to 13,250 MHz [2]
21,200 to 22,000 MHz [2 4 7]
22,000 to 23,600 MHz [2 4]

[1] This frequency band is shared with stations in the Point to Point Microwave Radio Service and, in U.S. possessions in the Caribbean area, with stations in the International Fixed Public Radiocommunication Services.

[2] This frequency band is shared with fixed and mobile stations licensed under Part 21 and other parts of the Commission's rules.

[3] This frequency band is shared with space stations (space to earth) in the fixed-satellite service.

[4] This frequency band is shared with Government stations.

[5] This frequency band is shared with earth stations (space to earth) in the fixed-satellite services.

[6] The band segments 10.95 to 11.2 and 11.45 to 11.7 GHz are shared with space stations (space to earth) in the fixed-satellite service.

[7] This frequency band is shared with space stations (space to earth) in the earth exploration satellite service.

11. In § 21.804 amend paragraph (d) to read as follows:

§ 21.804 Bandwidth and emission limitations.

* * * * *

(d) The maximum bandwidths will normally be authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band MHz	*Maximum authorized bandwidth (MHz)*
3,700–4,200	20
5,925–6,575	30
10,700–12,200	40
13,200–13,250	25
22,000–23,600	100

* * * * *

[FR Doc.72-21156 Filed 12-7-72;8:56 am]

[47 CFR Part 73]

[Docket No. 19653; FCC 72-1086]

FM BROADCAST STATIONS IN GREGORY, S. DAK.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM broadcast stations (Gregory, S. Dak.), Docket No. 19653, RM-1759.

1. On February 25, 1971, West Central Investment Co., Inc. (West Central) filed a petition with this Commission (amendment filed August 17, 1972; supplement to amendment filed September 11, 1972) requesting the assignment of Class C FM channel 260 or, in the alternative, 268 to Gregory, S. Dak. No other revisions, in our table of assignments, were proposed. No responses to the petition, amendment, or supplement were filed.

2. Gregory, S. Dak. (population 1,756) is the largest community in Gregory County (population 6,710).[1] There is no FM channel assigned to the community nor is there a standard broadcast station licensed there or in the county.

3. Petitioner acknowledges the small size of Gregory and underscores the sparse nature of population concentration in the entire rural area surrounding the community.[2] From these facts West Central concludes that if Gregory and the surrounding area are to receive a first FM service it is essential that that service not be a Class A operation, but that instead, it be a Class C for wide coverage service. Petitioner reasons that only a Class C service will have enough coverage in area and population to make a new broadcast station feasible from the economic view. It states that if a Class C channel is assigned to Gregory it proposes to apply for its use with a 500-foot tower (on property which it presently owns just south of Gregory) and an effective radiated power of 100 kw. West

[1] All population figures cited are from the 1970 U.S. Census unless otherwise specified.

[2] The closest communities of any significant size are Pierre, S. Dak. (population 9,699), 90 miles northwest; Sioux Falls, S. Dak. (population 72,488), 135 miles east; and Yankton, S. Dak. (population 11,919), 105 miles southeast.

Central's engineering study indicates that within the 1 mv./m. contour of such an operation there are 4,300 square miles and a population of 23,874 persons, none of whom presently receive any FM radio service. In contrast with this, petitioner states that if a Class A channel were assigned to Gregory, a maximum facility on that channel would only serve (within its 1 mv./m. contour) an area of 680 square miles containing a population of 5,229 persons, all of whom presently receive no FM service.

4. Concerning economic activity in the area the petition states:

> The 1970 Edition of Sales Management's "Survey of Buying Power" estimates an effective buying income in Gregory County of $18,705,000, or $8,502 per household, and further estimates 1969 total retail sales for Gregory County at $11,585,000.

With respect to the general nature of living patterns in the area the pleadings indicate:

> The high school is the center of much of the area interest for adults. Sports include football, wrestling, basketball, and track. The high schools are offering limited adult education courses at night under State auspices. Amateur theatricals and home music groups are admired and used for entertainment. Several drive-in theaters operate during the good weather, and are then supplanted by small, in-town movie houses * * *. In all, the area relies on its own forms of recreation * * *. Few traveling shows can venture this far into the open western lands.

According to petitioner, the many 4–H clubs scattered through the subject area are the hub of social activity for young people and supply a mix of social activity and practical farm and home education. These clubs, we are told, are supported by the townspeople with funds and personal participation in some of their more public events such as carnivals, shows, rodeos, etc. Petitioner also says that a great variety of churches play an important role in the people's lives by providing them with religious guidance and an additional outlet for social activity. Finally, according to the pleadings, since public transportation is almost nonexistent in the area the chief means of transportation both for attendance to social and entertainment activities and to conduct business affairs is the private automobile.

5. Although we normally assign Class A FM channels to communities the size of Gregory, in this matter we are of the view that West Central has made a threshold showing as to the isolation of the area proposed to be served and clearly indicated facts that suggest the large rural area surrounding Gregory could benefit from a unifying means of mass communications, such as a first local FM radio service. Therefore, we find it in the public interest to explore the proposal of West Central Investment Co., Inc., in this rule making proceeding and propose the possible assignment of FM Channel 260 or in the alternative FM Channel 268 to Gregory, S. Dak.

6. In view of the foregoing, we propose the following alternative revisions in the FM table of assignments (§ 73.202(b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Gregory, S. Dak.		260 or 268

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

8. Showing required: Comments are invited on the proposal discussed and set forth above. Proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also state its intention to apply for the channel if it is assigned and, if authorized, to build its station promptly. Failure to file may lead to denial of the request.

9. Cutoff procedures: The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 12, 1973, and reply comments on or before January 22, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21158 Filed 12-7-72;8:56 am]

[47 CFR Part 73]

[Docket No. 19654; FCC 72-1088]

FM BROADCAST STATIONS IN JACKSON, WYO.

Proposed Table of Assignments

In the matter of amendment of § 73.202 (b), *Table of assignments*, FM Broadcast Stations, (Jackson, Wyo.), Docket No. 19654, RM-1899.

1. The Commission has before it a petition for rule making filed by KSGT, Inc. seeking to amend the table of FM assignments (§ 73.202(b) of the Commission's rules) by assigning channel 245 to Jackson, Wyo. Comments in support of the petition were filed by Jackson Hole FM Joint Venture, a prospective applicant for the channel.

2. Jackson, Wyo., a community of 2,101 persons and seat of Teton County, has a Class IV AM station, but neither Jackson nor any other community in Teton County has an FM assignment. The channel is proposed in order to remedy this lack of local FM service and in addition, by use of a Class C channel, bring service to a large area now lacking FM service. According to the filings, much of this area lacks primary AM service as well. Although no extensive showing has been made on the point, it appears that advertiser support for a Class C operation would be expected to come from businesses which would be interested in reaching the many tourists who come to area national parks and other scenic areas.

3. In our view, the petition warrants further exploration. While a Class A channel might well satisfy some of the apparent requirements for additional service in the area, it would not be able to reach many of the areas in need of service. For this reason we are persuaded that it would be appropriate to pursue the possibility of assigning a Class C channel without at the same time proposing an alternative Class A channel. Comments from parties holding a contrary view are welcomed, but they should indicate their reasons for believing that the Class A approach would better respond to area needs. In terms of the Class C approach, we solicit information on two points. First, is there a reasonable basis to believe that a Class C operation could be viable? Secondly, is there a preferable channel to assign instead of channel 245? The latter question stems from the fact that other channels are available and the possibility that another one might be more suitable. Currently available information suggests that the preclusionary effects which would occur co-channel and on the several adjacent channels would not pose a serious problem because substitute channels could be made available where needed. Even so, we desire to keep such preclusionary effects to a minimum, and the choice of channel could depend on any differences in this regard.

4. *Showings required.* Comments are invited as to the proposal discussed above.

The proponent will be expected to file comments demonstrating a continuing interest in the matter and a readiness to apply for the channel, if assigned, and if authorized, to promptly build its station. Failure to make such a filing or to respond to questions which have been raised may result in denial of the petition.

5. *Cut-off procedure.* As in other FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

6. In view of the foregoing, comment is invited on the following addition to the table of FM assignments contained in § 73.202(b) of the rules.

City	Channel No.	
	Present	Proposed
Jackson, Wyo.		245

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

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 12, 1973, and reply comments on or before January 22, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21159 Filed 12-7-72;8:56 am]

[47 CFR Parts 81, 83, 87]

[Docket No. 19648; FCC 72-1075]

U.S. GOVERNMENT CONTRACTORS

Acceptability of Transmitters for Licensing

In the matter of amendments of Parts 81, 83, and 87 of the Commission's rules, to permit the licensing of nontype accepted transmitters to U.S. Government contractors, Docket No. 19648.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. All transmitters used in the Maritime Radio Services and the Aviation Radio Services, except those specifically exempted, must be type accepted by the Commission. The attached amendments below makes provisions for the acceptance of nontype accepted transmitters for licensing whenever such transmitters are furnished by a Government agency to a contractor or subcontractor, in the performance of a contract.

3. The proposed amendments cover situations where a Government contractor utilize Government-furnished radio equipment (nontype accepted) in the performance of a contract, or other agreement, which is incorporated in the finished product, such as in vessel or aircraft construction and designing. In other cases, the radio equipment is returned to the Government at the completion of the contract, or the service rendered, and the proposed amendments would result in a considerable cost-saving to the Government.

4. The proposed amendments, as set forth below, are issued pursuant to the authority contained in Section 4(i) and sections 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 12, 1973, and reply comments on or before January 22, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. Section 81.137(a) is amended and paragraph (e) added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, or marine-fixed station license (other than transmitters authorized solely for developmental stations and except as provided in paragraph (e) of this section), must be type accepted by the Commission. This requirement shall be applicable as follows:

* * * * *

(e) Type accepted equipment is not required in any station using U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however,* That such equipment shall comply with all the technical requirements contained in this subpart.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

2. Section 83.139(a) is amended and paragraph (f) added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d), and (f) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(f) Type accepted equipment is not required in any station using U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however,* That such equipment shall comply with all the technical requirements contained in this subpart.

PART 87—AVIATION SERVICES

3. Section 87.77 is amended by adding subparagraph (8) to paragraph (d):

§ 87.77 Acceptability of transmitters for licensing.

* * * * *

(d) * * *

(8) Type accepted equipment is not required in any station using U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the

contract or if the transmitter will be incorporated in the finished product: *Provided, however,* That such equipment shall comply with all the technical specifications contained in this subpart.

[FR Doc.72-21160 Filed 12-7-72;8:56 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 547]

[Docket No. 72-54]

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Procedures for Implementation; Receipt of Late-Filed Comments

The National Association of Secondary Material Industries (NASMI) has submitted a late request for opportunity to participate in this rulemaking proceeding as an "interested person."

Good cause appearing, the views and comments of NASMI submitted along with this request will be received and considered in this proceeding. Inasmuch as NASMI's submission is largely in response to views already timely submitted by other "interested persons" and has been served on such persons, opportunity will be afforded these persons to reply to NASMI in their "answer" due December 20, 1972.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-21126 Filed 12-7-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release No. 33-5336]

TRANSACTIONS BY AN ISSUER DEEMED NOT TO INVOLVE ANY PUBLIC OFFERING

Notice of Proposed Rule Making

The Securities and Exchange Commission is considering a proposed Rule 146 (17 CFR 230.146) which would provide more objective standards for determining when the offer or sale of securities by an issuer is a transaction not involving any public offering within the meaning of section 4(2) of the Securities Act of 1933 (the Act) which exempts such transactions from the registration provisions of the Act. The proposal is designed to implement the purposes of and policies underlying the Act which require registration of securities pursuant to the Act except in situations where the benefits to be derived from registration are too remote or the offerees of the securities are in a position to fend for themselves and thus do not need the protection of the registration process. In developing this proposal, the Commission has considered the legislative history of section 4(2) and judicial interpretations of that section and has reexamined its own interpretations of provisions of the Act. A proposal to amend Rule 257 (17 CFR 230.257) under the Act is also being considered to allow an offering under the Regulation A (17 CFR 230.251 to 230.263) exemption, without the use of an offering circular, for employee stock option plans and employee stock purchase plans not in excess of $100,000.

PROPOSED RULE 146

The Commission believes that a rule creating greater certainty in the application of the section 4(2) exemption would be in the public interest for two reasons; first to provide objective standards upon which responsible businessmen may rely and also to deter reliance on that section for offerings of securities to persons who are unable to fend for themselves in terms of obtaining information about the issuer and of assuming the risk of investment. These persons need the protections afforded by the registration process. In addition, substantial quantities of unregistered securities may be entering the public trading markets when adequate information concerning the issuer is not available to public investors or to dealers in order for them to satisfy their obligation under Rule 15c2-11 (17 CFR 240.15c2-11) under the Securities Exchange Act of 1934 (Exchange Act). The Commission also believes that the proposed rule would assist businesses in raising capital in a manner that complies with the requirements of the Act by establishing more objective standards and curtailing uncertainty to the extent feasible. In particular, the lack of objective standards in the private placement area may be hindering the raising of capital by new businesses that are not sufficiently seasoned to attract investment banking firms willing to underwrite public offerings of their securities.

In brief, proposed Rule 146 provides that transactions by an issuer involving the offer or sale of its securities shall be deemed not to involve a public offering within the meaning of section 4(2) of that Act if all the conditions of the rule are met. The conditions relate to limitations on the manner of offering, the nature of the offerees, the access of offerees to information about the issuer and limitations on the number of purchasers and on the disposition of securities sold pursuant to the rule.

The proposed rule does not establish exclusive standards for complying with the section 4(2) exemption. Although persons claiming an exemption have the burden of proving its availability, persons may claim a section 4(2) exemption without complying with the proposed rule if they satisfy the criteria set forth in relevant administrative and judicial interpretations of section 4(2) in effect at the time of the transaction. The Commission recognizes that there may be transactions falling outside the parameters of the rule which may satisfy the criteria set forth in relevant judicial decisions. Accordingly, a claim for exemption could be established without complying with all the provisions of the rule. The protection afforded by the rule, however, if available only to those who satisfy all of its conditions including the requirement to file a report of sales.

The proposed rule is in the nature of an experiment and, if adopted, will be closely monitored by the Commission. Because the rule is only a proposal subject to revision, issuers should not rely on it as defining the scope of the section 4(2) exemption for private placement transactions effected prior to final Commission action on the proposal.

The proposed rule would only be available to issuers of securities and would not be available to affiliates of the issuer or other persons for sales of the issuer's securities. Persons who would acquire securities from issuers in transactions complying with the rule would acquire securities that are restricted in that they may be reoffered and resold only if registered or pursuant to an exemption from the registration provisions of the Act. The Commission has recently adopted Rule 144 (17 CFR 230.144) under the Act, which provides objective standards for resale of restricted securities.

Rule 146 is proposed in the context of, and in conjunction with, several rules, amendments to rules and forms, and releases which the Commission has recently adopted or issued including:

1. Rule 144 under the Act (Securities Act Release No. 5223) (37 F.R. 599, 4329);

2. Rule 145 under the Act (Securities Act Release No. 5316) (37 F.R. 23631);

3. Adoption of Form S-16 (17 CFR 239.27) under the Securities Act of 1933 for securities offered in certain specified transactions (Securities Act Release No. 5117) (36 F.R. 777) and adoption of amendments to Form S-16 to liberalize the conditions under which the form could be used (Securities Act Release No. 5265) (37 F.R. 15990, 15991);

4. Amendments to Regulation A under section 3(b) of the Act (Securities Act Release No. 5225) (37 F.R. 599);

5. Rule 237 (17 CFR 230.237) under section 3(b) of the Act (Securities Act Release No. 5224) (37 F.R. 590, 4237);

6. Publication of a release relating to the use of legends and stop-transfer instructions as evidence of non-public offerings (Securities Act Release No. 5121) (36 F.R. 1525);

7. Publication of a release relating to the applicability of the antifraud provisions of the securities acts to certain practices in connection with transactions by issuer and others not involving public offerings (Securities Act Release No. 5226) (37 F.R. 600);

8. Amendments to Forms 10-K (17 CFR 249.310) and 10-Q (17 CFR 249.308a) under the Exchange Act to require disclosure of securities sold pursuant to section 4(2) of the Act (Exchange Act Release No. 9502) (37 F.R. 600, 601, 4331); and

9. Adoption of Rule 15c2-11 under the Exchange Act to require that dealers

have adequate information available concerning an issuer in whose securities they make markets (Exchange Act Release No. 9310) (36 F.R. 18641).

This notice contains a general discussion of the background, purpose, and general effect of the proposed rule to assist in a better understanding of its provisions. A brief analysis of each section of the rule is also included. However, attention is directed to the rule itself for a more complete understanding of its provisions.

BACKGROUND AND PURPOSE

Congress, in enacting the Federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these statutes, has sought to coordinate and integrate this disclosure system with the exemptive provisions provided by the statutes. Proposed Rule 146 is a further effort in this direction.

The legislative history of the Securities Act of 1933 indicates that the main concern of Congress was to provide full and fair disclosure in connection with the offer and sale of securities. However, it recognized that there were certain situations in which the protections afforded by the Act were not necessary. Concerning these specific exemptions from the Act, of which section 4(2) is one, the House report stated that "The Act carefully exempts from its application certain types of * * * securities transactions where there is no practical need for its application or where the public benefits are too remote." [1]

Section 4(2) of the Act provides that "the provisions of section 5 shall not apply to * * * (2) transactions by an issuer not involving any public offering." The phrase "transactions * * * not involving any public offering" is not defined in the Act [2] or, except in limited circumstances, in the existing rules under the Act. Accordingly, it has been left to Commission interpretations and court decisions to define the scope of the exemption.

The Supreme Court in "S.E.C. v. Ralston Purina Co.," 346 U.S. 119 (1953) established the basic criteria to be considered in determining the availability of section 4(2). The main consideration is whether the offerees need the protection afforded by the Act as evidenced by whether the offerees have "access" to the kind of information that registration would make available and whether they are able to fend for themselves. The application of these criteria and other guidelines set forth from time to time by the Commission and the courts have resulted in uncertainty about the application of the exemption. In addition, certain misconceptions have arisen in connection with certain methods occasionally used by parties who seek to claim the exemption.

For example, the questions arising under section 4(2) have generally dealt with what constitutes a nonpublic offering or a private offering. It has been asserted that an offering to a limited number of persons, not more than 25 for example, does not involve a public offering. This is not by itself an appropriate test. As the Supreme Court stated in "Ralston Purina," "the statute would seem to apply to a 'public offering' whether to few or many." 346 U.S. at 125. The Commission has been and continues to be of the opinion that the question is not to be determined exclusively by the limited number of offerees.

Further, it is frequently asserted that wealthy persons and certain other persons such as lawyers, accountants, and businessmen are "sophisticated" investors who are not in need of the protections afforded by the Act. It is the Commission's view that "sophistication" is not a substitute for access to information, and that a person's financial resources or sophistication is not without more sufficient to establish the existence of the exemption.[3]

Moreover, it has been argued that the exemption is established by the issuer merely providing a brochure, or other writing, to the offerees containing the same information as that found in a registration statement. The Commission is of the view that the mere disclosure of the same information that would be contained in a registration statement is not sufficient in itself to establish the availability of an exemption under section 4(2) of the Act.[4]

It also has been argued that the private offering exemption can be established where it is represented that the securities are held for investment, where resale is restricted, and where the number of transferees is limited. In this regard, the practice has developed whereby issuers obtain investment letters from purchasers and cause a legend to be imprinted on the face of each certificate restricting transfer. As the Commission and the courts [5] have previously stated, the signing of an investment letter and the legending of stock certificates are not sufficient to constitute an offering a private one. Although such precautions are taken by issuers to insure that their purchasers shall not in turn distribute securities to others, these are only precautions to prevent illegal distributions and are not to be regarded as a sufficient basis for exemption from registration for the issuer.

EXPLANATION AND ANALYSIS OF THE RULE

The proposed rule is designed to protect investors while at the same time providing more objective standards in order to curtail uncertainty to the extent feasible. In view of the legislative history, statutory language, judicial decisions, and the Commision's reexamination of its interpretations of section 4(2) of the Act, the Commission is of the view that the significant concepts in determining when a transaction is deemed not to involve any public offering are access to information that registration would disclose and the ability of offerees to be able to fend for themselves so as not to need the protections afforded by registration. Accordingly, the proposed rule contains several conditions that are designed to implement these concepts.

First, in determining whether an offeree needs the protection afforded by registration, it is essential to consider whether he has access to information that registration would disclose. Accordingly, an access to information requirement is included in the proposed rules.

Secondly, in order to assure that the offerees can fend for themselves, the availability of the proposed rule is conditioned on the nature of the offerees. Thus, the issuer or person acting on its behalf should have reasonable grounds to believe prior to making an offer that the offeree or his investment representative is capable of evaluating the proposed investment and of making an informed investment decision, and that the offeree is able to bear the economic risks of the investment.

Thirdly, the Commission believes that there should be limitations on the manner of offering of securities pursuant to the exemption to assure that persons to whom such securities are offered have the necessary access to information concerning the issuer and can fend for themselves. Thus, the proposed rule limits offers and sales to those made in negotiated transactions. As indicated in Securities Act Release No. 285 (Do.), "transactions which are effected by direct negotiations by the issuer are much more likely to be nonpublic than those effected through the use of the machinery of public distributions." To further assure the nonpublic manner of the offering, the proposed rule would preclude general advertising in connection with the offering.

Finally, the Commission believes that a limitation on the number of purchasers is consistent with the above significant concepts and at the same time serves to assure that the transaction does not involve or result in a deferred distribution. Limitations on the disposition of securities are necessary to assure that the securities come to rest and that the transaction does not involve a series of steps resulting in a deferred distribution.

SYNOPSIS OF THE PROVISIONS OF THE PROPOSED RULE

1. *Definitions—Rule 146(a)*—(a) *Person—Rule 146(a)(1)*. The term "person" is defined to include in addition to

[1] H.R. Rep. No. 85, 73d Cong., 1st Sess. 5 (1933).

[2] The House report does indicate that the exemption was originally intended to permit an issuer to make a specific or isolated sale of its securities to a particular person or financial institution. Id. at pp. 15–16.

[3] United States v. Custer Channel Wing Corp., 376 F. 2d 675 (4th Cir. 1967).

[4] See also S.E.C. v. Continental Tobacco Company of South Carolina, Inc., C.A. 5, No. 71–2955, June 2, 1972 (CCH Fed. Sec. L. Rep. Para. 93,507); Hill York Corp. v. Freeman, et. al., 448 F. 2d 680 (5th Cir. 1971).

[5] United States v. Custer Channel Wing Corp., 376 F. 2d 657 (C.A. 1967).

a person to whom securities are offered or sold pursuant to the rule certain relatives of the person, trusts, and estates in which the person and such relatives own all of the beneficial interest and corporations or other organizations in which the person and such relatives are beneficial owners of all of each class of equity securities or all of the equity interest. In addition, the definition provides that beneficial owners of corporations or business associations that are formed for the specific purpose of acquiring securities offered in the transaction are deemed to be separate persons for purposes of the proposed rule.

As proposed, the rule would treat clients of an investment advisor as separate persons in determining the number of persons to whom securities may be sold, regardless of the amount of discretion given to the investment advisor to act on behalf of the client in purchasing securities. The Commission invites comments on this point, including suggestions for alternative treatment of this situation in the rule.

(b) *Investment representative—Rule 146(a)(2).* The term "investment representative" is defined to mean any person who is independent of the issuer and is not acting on behalf of the issuer in connection with the transaction, and who has been duly authorized by the person for whose account securities are to be purchased to act as agent for such person in effecting the purchase, and who has such knowledge and experience in financial and business matters that he is capable of evaluating the risks of the prospective investment. The requirement that the representative be independent means, at least, that such representative be selected by the investor rather than by the issuer.

(c) *Negotiated transaction—Rule 146(a)(3).* The term "negotiated transaction" is defined to mean a transaction in which the securities are offered and the sale is negotiated through direct communication between the issuer or any person acting on its behalf and the purchaser of its investment representative. Direct communication implies personal contact or communication that provides an opportunity to ask questions of, and receive answers from, the issuer or its representative.

(d) *Securities of the issuer—Rule 146(a)(4).* The term "securities of the issuer" is defined to include securities issued by any predecessor of the issuer.

2. *Conditions to be met—Rule 146(b).* Paragraph (b) of the proposed rule provides that any transaction involving the offer, offer to sell, offer for sale, or sale of securities of the issuer that meets all of the conditions of the proposed rule shall be deemed not to be a transaction involving any public offering within the meaning of section 4(2) of the Act.

3. *Limitations on the manner of offering—Rule 146(c).* Paragraph (c) of the proposed rule specifies limitations on the manner in which the securities can be offered and sold. All offers and sales must be made in "negotiated transactions" as defined in Rule 146(a)(3). In addition, the proposed rule prohibits the issuer or any person acting on his behalf from offering the securities through any form of general advertising, including, but not limited to the following: Advertisements or other communications in newspapers, magazines, or other media; broadcasts on radio or television; seminars or promotional meetings; or by letter, circular, or other written communication given otherwise than in connection with a negotiated transaction.

4. *Nature of offerees—Rule 146(d).* Paragraph (d) of the proposed rule requires the issuer and any person acting on its behalf to have reasonable grounds to believe prior to making an offer that each offeree is able to fend for himself in the transaction. This means for the purposes of the proposed rule that the issuer must have reasonable grounds to believe that either the offeree or his investment representative has such knowledge and experience in financial and business matters that he is capable of utilizing the information that would be provided by a registration statement to evaluate the risks of the prospective investment and of making an informed investment decision. It also means that the issuer must have reasonable grounds to believe that the offeree is a person who is able to bear the economic risks of the investment. This requirement is consistent with the view expressed by the Supreme Court in the "Ralston Purina" case that: "An offering to those who are shown to be able to fend for themselves is a transaction not involving any public offering." It is also appropriate that a person be able to bear the economic risks of investment because, as a purchaser of unregistered securities, he may not be able to resell such securities publicly without registration for a period of time after his initial purchase. If an issuer reasonably believes that an offeree in all probability satisfies the requirements of paragraph (d) of the rule, inquiry to verify that belief is not in and of itself an offer.

5. *Access to information—Rule 146(e).* Paragraph (e) of the proposed rule requires that the offeree or his investment representative shall during the course of the negotiated transaction have the same kind of information that the Act would make available in the form of a registration statement, to the extent such information is available, or have access to such information. In addition, the offeree or his investment representative must have access during the course of the negotiated transaction to such information as is necessary to verify the accuracy of the information supplied. Such verification is appropriate in view of the absence of statutory safeguards and sanctions attendant to the registration process.

6. *Limitation on number of purchasers—Rule 146(f).* Paragraph (f) of the proposed rule provides that in any consecutive 12-month period there shall be no more than 35 purchasers of the issuer's securities pursuant to the rule, or in reliance on section 4(2) otherwise than pursuant to the rule. In determining the number of purchasers, persons who purchase securities from the issuer for cash in an amount not less than $250,000 need not be included. However, all other conditions of the rule are applicable to these persons.

7. *Limitations on disposition—Rule 146(g).* The proposed rule also provides that the issuer and any person acting on his behalf must, after reasonable inquiry, not be aware of circumstances indicating that the purchasers under the rule are underwriters and that the issuer and his representative take appropriate steps to assure that a deferred distribution of securities will not be made in violation of the Act. Such steps shall include but not necessarily be limited to at least: (1) Placing a legend on the certificate or other document evidencing the securities indicating that they were not registered and cannot be transferred without registration or an available exemption; (2) issuance of stop transfer instructions to the transfer agent, if any, or an appropriate notation in the issuer's records, if the issuer transfers its own securities; and (3) obtaining a written agreement from the purchaser that the securities will not be resold without registration or other compliance with the Act.

8. *Report of sale—Rule 146(h).* Finally, paragraph (h) of the proposed rule requires a report of sales to be filed 45 days after the end of any quarter of the issuer's fiscal year during which sales are effected pursuant to the rule. No report is required if the issuer has not sold securities in reliance on the rule in an amount exceeding $50,000 in the 12 months preceding the first sale covered by the report. Also, issuers which have filed a report on Form 10-K or 10-Q pursuant to the Exchange Act which contains the information required by Item 6 or Item C respectively, of those forms are deemed to have filed a report of sales for the quarter covered by such information, and need not file any additional report of sales.

9. *Form 146 (17 CFR 249.146)—Report of sale of securities pursuant to Rule 146.* Briefly, the report of sales requires information concerning the identity of the issuer, the securities sold, the number of persons to whom the securities are sold and all persons included in determining the number of persons pursuant to Rule 146(f) and the identity of persons acting as investment representatives of investors in the transaction, as well as brokers, finders or other persons acting on behalf of the issuer.

PROPOSED OPERATION OF PROPOSED RULE 146

Should the proposed rule be adopted, it would operate prospectively only. Further, the staff would issue interpretive letters to assist persons in complying with the new rule.

It is to be emphasized that the rule would not provide the exclusive means for offering and selling securities in reliance on section 4(2). Issuers who are

able to meet the criteria set forth in relevant judicial and administrative interpretations of section 4(2) in effect at the time of a proposed transaction may offer and sell without compliance with the proposed rule. The Commission recognizes that no one rule can adequately provide for the various circumstances surrounding the legitimate private offering and sale of securities. All issuers must take care, however, that their private transactions do not result in a deferred distribution.

Since section 5 of the Act is designed to protect investors by promoting full disclosure of information necessary for making an investment decision, the burden of proof has consistently been held to be on the one who claims the exemption. In addition, it should be pointed out that the burden of proof applies with respect to all offerees not just the purchasers of the securities. "Lively v. Hirschfeld," 440 F. 2d 631 (10th Cir. 1971). Accordingly, any person relying on the rule has the burden of establishing that he has satisfied all the conditions of the rule. Such person for his own protection should obtain and retain in his file written evidence that would assist in meeting this evidentiary burden.

In view of the objectives and policies underlying the Act, the rule shall not be available to any individual or entity with respect to any transaction which, although in technical compliance with the provisions of the rule, is part of a plan by such individual or entity to distribute or redistribute securities to the public. In such case, registration is required.

While Rule 146 would relate to transactions exempted by section 4(2) of the Act from the registration provisions of section 5, it would not provide an exemption from the antifraud provisions of the securities laws or the civil liabilities provisions of section 12(2) of the Act or other provisions of the securities laws. Moreover, the proposed rule does not provide an exemption for the person reselling or otherwise disposing of securities acquired pursuant to the rule. Such disposition must be made in compliance with the registration requirements of the Act unless an exemption from such provision is available. Also, should the rule be adopted, it would not relieve issuers of their obligations under the relevant state law.

PROPOSAL TO AMEND RULE 257

The proposed amendment to Rule 257 expands certain provisions under Regulation A for offerings of securities exempt from the registration requirements of the Act, under section 3(b) thereof. Rule 257 presently states that as to certain offerings not in excess of $50,000 in amount, no offering circular need be filed nor used unless the issuer is newly organized or is without a new income for at least one of the last 2 fiscal years.

The proposed amendment to Rule 257 states that as to offerings made under employee stock option plans or employee stock purchase plans, the amount offered under the Regulation A exemption without the use of an offering circular may be not in excess of $100,000 such amount being exclusive of the $50,000 amount presently permitted under Rule 257.

The purpose of the proposed amendment is to afford issuers a convenient opportunity to institute employee benefit plans under Regulation A. The Commission believes the Regulation A exemption is desirable for employee plans because employees acquiring such securities pursuant to the section 4(2) exemption would otherwise be included in the 35 purchasers specified in paragraph (f) of proposed Rule 146. Since securities offered or sold to employees under the proposed amendment to Rule 257 would be subject to an exemption under the Act, they would not be includable in the number of purchasers specified in Rule 146(f).

Commission action. Pursuant to authority in sections 3(b), 4(2), and 19(a) of the Securities Act of 1933, as amended, the Securities and Exchange Commission proposes to amend Parts 230 and 239 of Chapter II of Title 17 of the Code of Federal Regulations by: (1) Adding thereunder new § 230.146; (2) by amending the introductory paragraph of § 230.257; and (3) by adding § 239.146; all as set forth below:

§ 230.146 Transactions by an issuer deemed not to involve any public offering.

(a) *Definitions.* The following definitions shall apply for purposes of this section.

(1) The term "person" when used with reference to a person to whom securities are offered or sold in a transaction effected in reliance upon this section—

(i) Shall include, in addition to such person, the following persons:

(*a*) Any relative or spouse of such person and any relative of such spouse any one of whom has the same home as such person;

(*b*) Any trust or estate in which such person or any of the persons specified in (*a*) of this subdivision collectively own all of the beneficial interest; and

(*c*) Any corporation or other organization in which such person or any of the persons specified in (*a*) of this subdivision are the beneficial owners collectively of all of each class of equity securities or of all the equity interest.

(ii) Shall not include any corporation, partnership, business association, or other unincorporated entity organized for the specific purpose of the acquisition of the securities offered in the transaction. Each beneficial owner of an equity interest in or equity securities of any such person is deemed a separate person for purposes of this section.

(2) The term "investment representative" shall mean any person who:

(i) Has such knowledge and experience in financial and business matters that he is capable of evaluating the risks of a prospective investment;

(ii) Has been duly authorized by the person for whose account securities are to be purchased to act as agent for such person in effecting such purchase; and

(iii) Is independent of the issuer and is not acting on behalf of the issuer in connection with the transaction.

(3) The term "negotiated transaction" shall mean a transaction in which securities are offered and the terms and arrangements relating to any sale of securities are arrived at through direct communication between the issuer or any person acting on its behalf and the purchaser or his investment representative.

(4) The term "securities of the issuer" shall include securities issued by any predecessor of the issuer.

(b) *Conditions to be met.* Any transaction by an issuer involving the offer, offer to sell, offer for sale, or sale of securities of the issuer which meets all of the conditions of this section shall be deemed not to be a transaction involving any public offering within the meaning of section 4(2) of the Act.

(c) *Limitations on manner of offering.* The offer, offer to sell, offer for sale, and sale of securities of the issuer shall be subject to all the following limitations:

(1) The securities shall be offered and sold only in a negotiated transaction.

(2) Neither the issuer nor any person acting on its behalf shall offer or sell the securities by means of any form of general advertising, including, but not limited to, the following:

(i) Any advertisement, article, notice, or other communication published in any newspaper, magazine, or similar medium;

(ii) Any radio or television broadcast;

(iii) Any seminar or promotional meeting; and

(iv) Any letter, circular, notice, or written communication sent, given, or communicated to persons otherwise than in connection with a negotiated transaction.

(d) *Nature of offerees.* The issuer and any person acting on its behalf who offers, offers to sell, offers for sale, or sells securities of the issuer shall have reasonable grounds to believe prior to making an offer:

(1) That either the offeree or his investment representative has such knowledge and experience in financial and business matters that he is capable of utilizing the information referred to in paragraph (e) of this section to evaluate the risks of the prospective investment and of making an informed investment decision; and

(2) That the offeree is a person who is able to bear the economic risks of the investment.

(e) *Access to information.* Each offeree or his investment representative shall, during the course of the negotiated transaction;

(1) Have the same kind of information that the Act would make available in the form of a registration statement, to the extent such information is available, or have access to such information; and

(2) Have access to any additional information necessary to verify the accuracy of such information.

(f) *Limitations on number of purchasers.* There shall not be more than 35 persons in any consecutive 12-month period who purchase securities of the issuer in transactions pursuant to this section, or not pursuant to this rule but otherwise in reliance on section 4(2) of the Act; provided however, there shall be excluded in determining such number any person who purchases securities from the issuer for cash in an amount not less than $250,000.

(g) *Limitation on disposition.* The issuer and any person acting on its behalf shall:

(1) After reasonable inquiry, not be aware of circumstances indicating that persons purchasing the securities from the issuer are underwriters; and

(2) Exercise reasonable care to assure that a deferred distribution of securities will not be made in violation of the Act or the rules and regulations thereunder. Such reasonable care shall include, but not necessarily be limited to, the following:

(i) The placing of a legend on the certificate or other document evidencing the security stating that the securities have not been registered under the Act and setting forth or referring to the restrictions on transferability of the securities;

(ii) The issuance of stop-transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or if the issuer transfers its own securities, a notation in the appropriate records of the issuer; and

(iii) Obtaining from the purchaser a signed written agreement that the securities will not be sold without registration or other compliance with the requirements of the Act and the rules and regulations thereunder.

(h) *Report of sales.* Within 45 days after the end of any quarter of the issuer's fiscal year during which sales of securities are effected in reliance on this section, the issuer shall file three copies of a report of sales on Form 146 (§ 239.146 of this chapter) with the Commission at its principal office in Washington, D.C.: *Provided however,* That such report need not be filed if the issuer has not sold securities in reliance on this rule within the 12 months preceding the first sale covered by the report in an amount which when added to the amount of sales covered by the report would exceed $50,000. Such report shall be deemed to have been filed if the issuer is subject to the periodic reporting requirements of the Securities Exchange Act of 1934 and has filed a report on Form 10–K (§ 249.310) or Form 10–Q (§ 249.308a) of this chapter which contains the information required by Item 6 and Item C, respectively, of such forms.

§ 230.257 Offerings not in excess of $50,000 and employee offerings not in excess of $100,000.

Except as to issues specified in paragraph (a) of § 230.253 and issues of assessable stock, the offering circular specified in § 230.256 need not be filed or used in connection with an offering of securities under this regulation if: The aggregate offering price of all securities of the issuer, its predecessors and affiliates offered or sold without the use of such an offering circular does not exceed $50,000 or; the aggregate offering price, exclusive of the preceding clause above, of all securities of the issuer, its predecessors and affiliates offered or sold pursuant to an employee stock option plan or an employee stock purchase plan without the use of an offering circular does not exceed $100,000; such amounts to be computed in accordance with § 230.254, provided the following conditions are met:

* * * * *

§ 239.146 Form 146, report by issuer of sales of securities pursuant to § 230.146 of this chapter.

(a) This form shall be filed in triplicate with the Commission at its principal office in Washington, D.C. by the issuer within 45 days after the end of any quarter of the issuer's fiscal year during which sales of securities are effected in reliance upon § 230.146 of this chapter. However, this form need not be filed if the issuer has not sold securities in reliance on § 230.146 of this chapter within 12 months preceding the first sale covered by the form in an amount which when added to the amount of sales covered by the form would exceed $50,000.

(b) This form shall be deemed to have been filed if the issuer is subject to the periodic reporting requirements of the Securities Exchange Act of 1934 and has filed a report on Form 10–K (§ 249.310 of this chapter) or Form 10–Q (§ 249.308a of this chapter) which contains the information required by Item 6 and Item C, respectively, of such forms.

NOTE: Copies of proposed Form 146 have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 3(b), 4(2), 19(a), 48 Stat. 75, 77, 85, sec. 209, 48 Stat. 908, 59 Stat. 167, sec. 12, 78 Stat. 580, 84 Stat. 1480, 15 U.S.C. 77c(b), 77d(2), 77s(a))

All interested persons are invited to submit their views and comments on the foregoing proposal to adopt Rule 146 and Form 146 and to amend Rule 257 in writing, to Neal S. McCoy, Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before January 29, 1973. Such communications should refer to File No. S7–458. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

NOVEMBER 28, 1972.

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Notices

DEPARTMENT OF STATE

[Public Notice 374]

PROPOSED USE OF DETROIT RIVER PIPES TO PERMIT HYDROCARBON TRANSMISSION

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of State has prepared a Final Environmental Impact Statement that evaluates the environmental implications of a proposed pipeline to be constructed by the Dome Pipeline Corp., that will transport liquid hydrocarbons from a storage cavern at Windsor, Ontario, to a natural gas reforming plant at Green Springs, Ohio. The preparation of this statement has been occasioned by the fact that the Dome Corporation requires an amendment to a permit issued on March 13, 1969, pursuant to Executive Order 11423. The permit, which was originally issued to American Brine, Inc., authorized the construction, connection, operation, and maintenance of two pipelines for the transportation of commercial fluids other than hydrocarbons, and one appurtenant electric cable, under the Detroit River to a point on the international boundary line between the United States and Canada. Dome Petroleum now seeks an amendment of the permit to authorize transportation in these existing pipelines which are to be part of the Windsor-Green Springs line of liquid hydrocarbons.

The draft of this statement was circulated by the Department of State on October 2, 1972, and notice of its availability appeared in the FEDERAL REGISTER on October 11, 1972 (37 F.R. 21450). A public hearing designed to obtain public comments on the draft was held in Detroit on November 6, 1972 (see Public Notice No. 371, 37 F.R. 22886, Oct. 26, 1972). The Final Environmental Impact Statement has been designed to reflect the various comments which were received; the written comments received are appended to the Statement.

Copies of the Final Environmental Impact Statement may be obtained by writing to the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. The identifying number for the Final Statement is S/EIS–NI–72 5398–Final.

For the Secretary of State.

CHRISTIAN A. HERTER, Jr.,
Special Assistant to the Secretary for Environmental Affairs.

NOVEMBER 29, 1972.

[FR Doc.72-21109 Filed 12-7-72;8:52 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD, AD HOC COMMITTEE ON DISPOSAL OF HERBICIDE ORANGE

Notice of Closed Meeting

DECEMBER 6, 1972.

The USAF Scientific Advisory Board ad hoc Committee on the Disposal of Herbicide Orange will hold a closed meeting on December 12–13, 1972, at the Pentagon, Washington, D.C.

The agenda will center around discussions for the disposal of herbicide orange.

JAMES S. CHENEY,
Major General, USAF, The Judge Advocate General, U.S. Air Force.

[FR Doc.72-21239 Filed 12-7-72;8:56 am]

SCIENTIFIC ADVISORY BOARD, GUIDANCE AND CONTROL PANEL MEETING ON THE REVIEW OF ALL-WEATHER TERMINAL GUIDANCE SYSTEMS

Notice of Closed Meeting

DECEMBER 6, 1972.

The USAF Scientific Advisory Board Guidance and Control Panel Meeting on the Review of All-Weather Terminal Guidance System will hold a closed meeting on December 12, 1972, at the Pentagon, Washington, D.C.

The panel will receive briefings on Loran, NAVSAT, TOA/DME, and weapon delivery system error budget analysis.

JAMES S. CHENEY,
Major General, USAF, The Judge Advocate General, United States Air Force.

[FR Doc.72-21240 Filed 12-7-72;8:56 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

MANNING LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

Correction

In F.R. Doc. 72–20721 appearing on page 25767 of the issue for Saturday, December 2, 1972, the third and fifth stockyards in the list, reading "MO–231 Rolla Auction Co., Rolla, Mo.", and "TX–300 Texoma Livestock Commission Co., Tom Bean, Tex.", should read "MO–231 Rolla Auction Company, Rolla, Mo.", and "TX–300 Texoma Livestock Commission Company, Tom Bean, Tex.".

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with Title 13, United States Code, sections 181, 224, and 225, and due notice having been published on October 21, 1972 (37 F.R. 22762), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from non-governmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required for all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1967 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.
Glass containers.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.
Closures for containers.
Steel shipping barrels, drums, and pails.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.
Margarine Manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Knit cloth.
Rugs, carpets and carpeting.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.
Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel mill shapes and forms.
Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Typewriter.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures and those surveys listed above which furnish data substitutable for data usually collected in the Census of Manufactures are additionally considered a part of the 1972 Census of Manufactures as provided for by Title 13, United States Code, section 131. The 1972 Census of Manufactures report forms have been modified to recognize these annual reports as the source for these Census data.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, DC 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 1, 1972.

HAROLD C. PASSER,
Assistant Secretary for Economic Affairs.

[FR Doc.72-21083 Filed 12-7-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

EMERGENCY SCHOOL AID

Notice of Acceptance of Applications

The Assistant Secretary for Education hereby gives notice that pursuant to title VII of Public Law 92-318, the Emergency School Aid Act, applications for assistance are being accepted from local educational agencies and from other public or nonprofit private agencies, institutions, or organizations for basic grants or contracts pursuant to section 706(a) of the Act, pilot projects pursuant to section 706(b) of the Act, and projects carried out by public or nonprofit private applications pursuant to section 708(b) of the Act.

Submission of applications for assistance after December 26, 1972, may not permit sufficient time for the necessary processing and review of such applications prior to announcement of the first batch of grant or contract awards on or about January 31, 1973. Funds will be awarded at that time for authorized activities commencing no earlier than February 1, 1973, and terminating no later than June 30, 1974, in relation to a plan described in section 706(a) of the Act which is being implemented in the second semester of the 1972-73 academic year. It is anticipated that this procedure will enable eligible applicants with critical needs arising during the second semester, which could include applicants receiving assistance under the Emergency School Assistance Program (Public

Law 91-380, Public Law 92-38 et seq., Public Law 92-334 et seq.) during the first semester of the 1972-73 academic year, to apply for assistance to meet such needs as expeditiously as possible.

Applications for assistance pursuant to this notice should be submitted to the appropriate Regional Office of Education.

Awards under the Act will be subject to the regulations in 45 CFR Part 185, upon such regulation's becoming effective. A notice of proposed rule making setting forth the proposed regulations was published in the FEDERAL REGISTER on December 2, 1972.

Not more than 30 percent of the funds allotted to each State pursuant to section 705(a) of the Act for basic grants or contracts, pilot projects, or projects carried out by public or nonprofit private applicants will be made available for the first batch of grant or contract awards. Obligations for funds to be expended prior to June 30, 1973, will be limited to approximately $20 million. Applications for additional funds made available under the Act will be accepted on dates to be announced by subsequent notices.

Dated: December 4, 1972.

S. P. MARLAND, Jr.,
Assistant Secretary for Education.

Approved: December 5, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72-21254 Filed 12-7-72;8:49 am]

GRANTS ADMINISTRATION ADVISORY COMMITTEE

Notice of Subcommittee Meeting

A subcommittee of the Grants Administration Advisory Committee, which advises the Secretary on matters relating to administrative and fiscal policies for grants administered by the Department, will meet on December 13, 1972, in Room 4137, Health, Education, and Welfare, North Building, 330 Independence Avenue SW., Washington, DC 20201. The session will begin at 9 a.m. and will be dismissed at 12:30 p.m. The meeting is open to the public. The agenda covers discussion of contracts and grants. A roster of committee members may be obtained from Dr. Ernest M. Allen, Deputy Assistant Secretary for Grant Administration Policy, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

Dated at Washington, D.C., this 1st day of December 1972.

MATTHIAS LASKER,
Acting Deputy Assistant Secretary for Grant Administration Policy, Executive Secretary, Grants Administration Advisory Committee.

[FR Doc.72-21091 Filed 12-7-72;8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-289, 50-320]

METROPOLITAN EDISON CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Notice of Availability of AEC's Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the "final environmental statement related to operation of the Three Mile Island Nuclear Station, Units 1 and 2, Metropolitan Edison Co. and Jersey Central Power & Light Co., Dockets Nos. 50-289 and 50-320," prepared by the Directorate of Licensing, U.S. Atomic Energy Commission, is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, PA 17126. The report has also been made available at the Office of State Planning and Development, Box 1323, Harrisburg, PA 17120, and at the Tri-County Regional Planning Commission, 341 South Cameron Street, Harrisburg, PA 17101.

The notice of availability of the draft environmental statement for the Three Mile Island Nuclear Station, Unit 1 and 2 facility, and requests for comments from interested persons was published in the FEDERAL REGISTER on June 24, 1972 (37 F.R. 12513). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of November 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.72-20969 Filed 12-7-72;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS & ELECTRIC CORP.

Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License; Notice of Opportunity for Hearing

In the matter of Rochester Gas & Electric Corporation (R. E. Ginna Nuclear Power Plant Unit No. 1).

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Rochester Gas & Electric Corporation (the licensee) which would authorize the licensee to possess, use, and operate the R. E. Ginna Nuclear Power Plant Unit No. 1 (the facility), located on Lake Ontario, Wayne County, N.Y., at its presently licensed steady state power level of up to 1,520 megawatts (thermal) for a period of 40 years from April 25, 1966, the issuance date of the construction permit (CPPR-19) in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application for the full-term facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I. The facility is presently being operated in accordance with Provisional Operating License No. DPR-18 issued by the Commission on September 19, 1969.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set

forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularly both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceedings Staff, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or petitions within the same 30-day period may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR-18 to a full-term operating license dated August 15, 1972, and the licensee's environmental report dated August 15, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Lyons Public Library, 67 Canal Street, Lyons, NY 14489. As they become available, the following documents will also be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (5) the proposed full-term operating license, and (6) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (3), (4), and (5) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 22d day of November 1972.

DONALD J. SKOVHOLT,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-20522 Filed 12-7-72;8:45 am]

[Docket Nos. 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board

On October 4, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20879, a notice of hearing to consider the application filed by the Virginia Electric and Power Co. for construction permits for the North Anna Nuclear Power Station Units 3 and 4. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (rules of practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. R. B. Briggs, Dr. Emil T. Chanlett, and Sidney G. Kingsley, Esq., Chairman. Dr. Kenneth A. McCollom has been designated as a technically qualified alternate and Daniel M. Head, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mr. Sidney G. Kingsley is a Commission attorney, mailing address, Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. R. B. Briggs, Associate Director, Molten-Salt Reactor Program, Oak Ridge National Laboratory, Post Office Box Y, Oak Ridge, TN 37830.

3. Dr. Emil T. Chanlett, Department of Environmental Sciences, University of North Carolina, Chapel Hill, NC 27514.

4. Mr. Daniel M. Head, Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Dr. Kenneth A. McCollom, Alternate, Assistant Dean, College of Engineering, Oklahoma State University, Stillwater, Okla. 74074.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 4th day of December 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-21095 Filed 12-7-72;8:53 am]

[Docket No. 59-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement Related to the Proposed Hanford Number Two Nuclear Power Plant by the Washington Public Power Supply System" prepared by the Directorate of Licensing, U.S. Atomic Energy Commission, is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545 and the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. The report is also being made available at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Wash. 98504, and at the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, WA 99352.

The notice of availability of the Commission's Draft Environmental Statement for the Hanford Number Two Nuclear Power Plant and request for comments from interested persons was published in the FEDERAL REGISTER on August 30, 1972 (37 F.R. 17577). The comments received from Federal, State, local officials and interested members of the public have been included as appendices to the Final Statement.

Single copies of the statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 4th day of December 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.72-21112 Filed 12-7-72;8:52 am]

URANIUM ENRICHMENT SERVICES CONTRACTS

Notice of Temporary Suspension

Notice is hereby given that, pursuant to the authority of the Atomic Energy Act

of 1954, as amended, effective on publication of this notice in the FEDERAL REGISTER (12–8–72) and until further notice the Commission will not enter into contracts for provision of enriching services[2] except (1) firm quantity type contracts under negotiation as of the effective date of this notice, (2) contracts which have been submitted to customers for execution, and (3) new short-term contracts to provide firm quantities of enriching services needed by domestic and foreign customers to cover near-term requirements.

The Commission has found that the temporary suspension of contracting to the extent described hereinabove is necessary in the public interest in order to permit the Commission to complete its review of alternative methods of contracting and to establish such modified method as will provide greater assurance that the needed enrichment capability at the Commission's plants will be available on a timely basis, and provide further assurance of augmentation of available enriching capacity in the 1980's and beyond by private resources.

Dated at Germantown, Md., this 6th day of December 1972.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.72-21288 Filed 12-7-72;11:00 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24950; Order 72-11-100]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension Regarding Certain GIT Fares

Correction

In F.R. Doc. 72-20493 appearing at page 25252 of the issue for Wednesday, November 29, 1972, the agency bracket number should read as set forth above.

[Docket No. 24977; Order 72-12-14]

ALASKA AIRLINES, INC. AND WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1972.

By tariff revisions[1] marked to become effective December 8, 1972, Alaska Airlines, Inc. (Alaska) and Western Air Lines, Inc. (Western) propose to increase various States-Alaska and intra-Alaska passenger fares. The carriers propose to increase coach fares to a level which is 8.9 percent higher than the fares in effect prior to October 15, 1970. Alaska has limited such coach-fare increases to no more than 5 percent above present fares. Other fares which are based on a percentage relationship to coach fares have been adjusted to reflect (1) the maximum percentage relationship permitted domestic carriers pursuant to Order 72–8–50 (Domestic Passenger-Fare Investigation, Phase 7), and (2) the increased level of coach fares.

In support of its proposal, Alaska asserts that the fare increases are reasonable and necessary when viewed on the same basis as the Board's decision in Phase 7 of the Domestic Passenger Fare-Investigation (Order 72–8–50). The carrier contends that its need is as great as that of the domestic carriers and it should therfore be permitted at least the same amount of relief afforded the domestic carriers.

Alaska estimates that the proposed increases will result in $700,000 additional revenue in the next year. This amounts to an increase of approximately 2.4 percent. The carrier alleges that the increases should have little effect on the traveling public since all coach-fare increases have been held to a maximum of five percent, with most increases substantially below that. It estimates that with the proposed increase it will earn a 7.4-percent return on investment for the 12 months ending November 30, 1973, and a 4.6-percent return without the increase for the same period.

Western also sites the Board's decision in Phase 7 as justification for its proposal. The carrier expects an annual increase of $474,000 as a result of its proposal. It has submitted a forecast of operating results for the year 1973 which indicates that its return on investment (for its Seattle-Alaska route) will be 22.64 percent with the proposed increase and 21.32 percent without the requested increase.

The Alaska Transportation Commission (Commission) has filed complaints against the proposed increases of Alaska and Western. With respect to Alaska's proposal the Commission alleges that there is no need for any fare increase on the major southeast Alaska routes served by Alaska since the flights on these routes are already highly profitable; that the increase in children's fares is unwarranted; that the carrier has failed to provide data indicating any overall increase in opearting costs for the next year; that without revised data showing the effect of the suspension of Alaska's Anchorage-Nome-Kotzebue authority, the Board cannot properly determine whether the requested increase is reasonable; and that the traveling public should not be saddled with Alaska's higher costs resulting from the carrier's practice of leasing aircraft.

Alaska has answered the Commission alleging that flights over its southeastern Alaska route are not filled to near capacity as claimed by the Commission and that while the Board expected that the route would be profitable, such profits would cross subsidize necessary but otherwise fiancially marginal points such as Cordova and Yakutat. The carrier further asserts that only a partial listing of cost increases it has incurred far exceed the additional revenue to be derived from the proposed fare increases. With respect to the Anchorage-Nome-Kotzebue suspension, Alaska claims that it will suffer "a net adverse financial impact" of about $2,400,000 if the Board's decision is upheld.

The Commission challenges Western's filing on the grounds that the proposed fares appear discriminatory in that they are generally 1 cent per passenger mile higher than comparable rates between other points on Western's system.

In a separate filing Alaska proposes to cancel its youth standby fares in all markets and substitute youth reservation fares at 75 percent of the applicable coach fare. The carrier alleges that it has had a 25- to 35-percent no-show experience recently which it believes is in large part attributable to the booking of false reservations by space-available passengers. It further alleges that this has resulted in a substantial loss of revenue and much public criticism for failure to accommodate reservation requests, particularly in its monopoly southeastern Alaska markets. The change is expected to increase annual revenue approximately $10,500. No complaints have been filed against this proposal.

Upon consideration of the tariff filings, the complaints and answers thereto, and all relevant matters, the Board finds that the proposed increased coach fares, applicable between Seattle and points in the State of Alaska and between Anchorage on the one hand and Annette Island and Juneau on the other hand, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the fares pending investigation.[2]

Alaska Airlines experienced a system net loss of $2,634,000 (after subsidy) for the year ended September 30, 1972. Although the carrier forecasts a marked turnaround—an annual net profit of $1,170,000 (4.6-percent return on investment)—even without an increase, its data indicate cost increases since the last fare increase in October 1970 far exceeded its expectation of $700,000 additional revenue from the instant filing. We believe Alaska Airlines has adequately demonstrated that some additional revenue is warranted. Accordingly, we will permit Alaska to increase its intra-Alaska coach fares except as discussed later herein, and to change the relationship of its first-class, youth, and children's fares consistent with Order 72–8–50.

However, we have concluded not to permit coach-fare increases in States-Alaska markets at this time. In the Seattle - Anchorage/Kodiak market, Western forecasts an excellent return on investment without an increase in coach

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[2] See Uranium Enrichment Services Criteria, 31 F.R. 16479, Dec. 23, 1966; as amended in 35 F.R. 4562, March 9, 1971.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] We are also suspending increases in those fares other than coach fares which are based on the proposed coach-fare level.

fares, and we note that Northwest has so far elected not to match the increases proposed by Alaska and Western. While the latter consideration may in effect moot the question of increases, we are nevertheless not convinced that Alaska has justified an increase in the normal coach fare in the Seattle-Anchorage market. The carrier has provided no estimate of operating results in this market, nor is data otherwise available which would permit comparative analysis of its operations with those of competitive carriers. In the absence of such information we are unable to conclude that its operating experience should significantly differ from that of Western and Northwest in this market.

In our decision in the Alaska Service Investigation, Docket 20826, we concluded on the basis of the evidentiary record therein that, with the deletion of Western's competitive route authority, Alaska Airlines should realize a profit in excess of $1 million on its restructured southeastern Alaska route. The carrier has been operating under its new route authority only since February of this year and, in our opinion, it would be premature to conclude on the basis of the limited data now before us that a regular coach-fare increase is warranted in these markets. We believe the same rationale holds true in those intra-Alaska markets (Anchorage-Juneau and Anchorage-Annette Island) where Western was providing competitive service prior to our decision in that case.

As indicated, we will permit both Alaska Airlines and Western to increase first-class fares to a level equaling 130 percent of the applicable coach fare and to increase children's fares from 50 percent to 66⅔ percent of the applicable coach fare. These changes are consistent with our decision in phase 7 of the Domestic Passenger Fare Investigation, Docket 21866-7 (Order 72-8-50) and we view them as relating essentially to the issue of appropriate fare relationships among the various classes of service rather than to the issue of revenue need. We will also permit Alaska Airlines to change its youth fares from a standby to a reservation basis. The carrier's decision to drop standby youth fares does not appear unreasonable in light of its allegation that the rather high rate of no-shows it has experienced is in large part due to false bookings by space-available passengers. The discount involved for the proposed youth reservation fares is 25 percent, which is within acceptable parameters for this type of fare.

Price stabilization considerations. Section 229.3 of the Board's economic regulations provides that consistent with the price stabilization program each fare increase approved by the Board shall:

(1) Be cost-justified and shall not reflect future inflationary expectations;

(2) Be the minimum required to assure continued, adequate, and safe service or to provide for necessary expansion to meet future requirements;

(3) Achieve no more than the minimum rate of return needed to attract capital at reasonable costs and not impair the credit of the carrier;

(4) Not reflect labor costs in excess of those allowed by the Price Commission;

(5) Take into account expected and obtainable productivity gains.

Based on the data before us, the Board has determined that the fare increase authorized herein satisfies each of these criteria.

The increases approved herein are clearly cost justified. The revenue increase resulting from the fare increases will be less than 1 percent of annual passenger revenues, while cost increases in the past year were approximately 5 percent. Moreover, the carrier's projected overall load factors are equal to or higher than the 55-percent load-factor standard the Board has determined to be reasonable for operations within the continental 48 States.

We are not authorizing herein any increase in basic fares in the States-Alaska market, and the intra-Alaskan fare increases we are permitting to become effective will not raise that carrier's rate of return on investment to the level determined by the Board to be fair and reasonable, after taking into account expected productivity gains. Essentially, the productivity gains are reflected in higher passenger load factors projected in the future year and the phasing out of certain types of high unit-cost flight equipment. The increases permitted in first-class and discount fares are consistent with those prevailing throughout the trunkline carriers' domestic system.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in appendix A,[3] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A[3] are suspended and their use deferred to and including March 7, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of the Alaska Transportation Commission in Docket 24874 and Docket 24896 are hereby dismissed;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Alaska Airlines, Inc., Western Air Lines, Inc., and the Alaska Transportation Commission which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21136 Filed 12-7-72;8:53 am]

[3] Filed as part of the original document.

ALLEGHENY AIRLINES, INC.

Notice of Meeting

Notice is hereby given that a meeting with the above airline will be held on December 20, 1972, at 10 a.m. (local time) in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, to review the Allegheny commuter program, past and future.

Dated at Washington, D.C. December 4, 1972.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21134 Filed 12-7-72;8:53 am]

[Docket No. 24926]

SEABOARD WORLD AIRLINES, INC., AND KOREAN AIR LINES CO., LTD.

Notice of Proposed Approval

Joint application of Seaboard World Airlines, Inc., and Korean Air Lines Co., Ltd., for approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 24926.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 5 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 4, 1972.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

[Docket No. 24926]

ORDER OF APPROVAL

Issued under delegated authority.

Joint application of Seaboard World Airlines, Inc. and Korean Air Lines Co. Ltd. for approval under section 408 of the Federal Aviation Act of 1958, as amended.

By joint application filed November 15, 1972, Seaboard World Airlines, Inc. (Seaboard) and Korean Air Lines Co. Ltd. (Korean) request that the Board approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) an agreement whereby Seaboard will dry-lease to Korean two McDonnell-Douglas DC-8-63F aircraft.

Seaboard is a U.S. certificated all-cargo air carrier. Korean holds Board authority as a foreign air carrier, pursuant to Board Order 71-4-161, April 23, 1971, and conducts scheduled air transportation with jet aircraft between the Republic of Korea and the coterminals Hawaii and Los Angeles, Calif. Korean intends to use the leased aircraft in passenger service between Korea and the United States.

The agreement involves the lease of two McDonnell-Douglas DC-8-63F aircraft for the periods December 9, 1972 and January 9, 1973, respectively, through June 30, 1975. Rental will be at the rate of $140,000 per month. Korean will have complete and exclusive control of the aircraft, providing its own crew, fuel, insurance, etc., under the terms of the lease.

It appears that the aircraft involved in the instant lease represent approximately 13.3 percent of the total number of Seaboard's aircraft fleet. Furthermore, Seaboard presently has no other aircraft under lease to Korean. In support of the request for approval, the joint applicants submit that the lease transaction will not result in the control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition. Moreover, it is contended that the agreement in no way impairs Seaboard's ability to perform its authorized services, nor are the terms of the lease a burden on Seaboard.[1]

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the lease involves a substantial part of the properties of Seaboard, and therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that Seaboard is able to consummate its obligations under the lease without depriving itself of aircraft necessary to meet its own commitments. In addition, the transaction is similar to others approved by the Board.[2] Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing.[3]

Accordingly, it is ordered, That:

1. The subject lease by Korean Air Lines Co. Ltd. of two McDonnell-Douglas DC-8-63F aircraft from Seaboard World Airlines, Inc., as described in the application in Docket 24926 be and it hereby is approved; and

2. To the extent not granted herein, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of this order.

This order shall be effective upon issuance and the filing of such petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21135 Filed 12-7-72;8:53 am]

[1] The application states that the two aircraft involved in the subject lease transaction are not required by Seaboard in the operation of its certificated services due to the continuing excess of transatlantic cargo capacity over demand and the reduction in Department of Defense utilization of Seaboard's present aircraft fleet.

[2] *Cf.* World Airways, Inc. and Pakistan International Airlines Corp., Order 70-8-44, Aug. 12, 1970.

[3] It is further found, pursuant to 14 CFR 385.6 that the actions taken herein are governed by prior Board precedent and policy, and because of the imminent transaction date that immediate action is required to enable effectuation of the transaction; therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

On December 18, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24098), a letter dated December 13, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States during the 12-month period beginning January 1, 1972. As set forth in that letter the levels of restraint are subject to adjustment pursuant to paragraphs 5, 15, and 13 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide, respectively, (1) that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; (2) for the limited carryover of shortfalls in certain categories to the following agreement year; and (3) for administrative arrangements.

On November 2, 1972, there was published in the FEDERAL REGISTER (37 F.R. 23375) a letter dated November 1, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, pursuant to paragraphs 5 and 15 of the aforementioned agreement, increasing the level of restraint applicable to Category 49 (other coats) from 29,085 dozen to 31,924 dozen during the 12-month period beginning January 1, 1972. On December 1, 1972, the Governments of the United States and the Socialist Federal Republic of Yugoslavia concluded an administrative arrangement whereby the level of restraint applicable to Category 49 was further increased 4,000 dozen to 35,924 dozen for the current agreement year. The amounts actually shipped, but not to exceed 4,000 dozen, will be deducted from the level of restraint applicable to Category 49 for the agreement year beginning January 1, 1973.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 7, 1972.

DEAR MR. COMMISSIONER: On December 13, 1971, the Chairman, President's Cabinet Textile Advisory Committee, directed you to prohibit entry during the 12-month period beginning January 1, 1972, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] Such an adjustment was made in the level established for Category 49 by letter of November 1, 1972.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 13 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of December 13, 1971, as amended, for cotton textile products in Category 49 to 35,924 dozen for the 12-month period beginning January 1, 1972.

The actions taken with respect to the Government of the Socialist Federal Repub-

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of December 31, 1970 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

lic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.72-21285 Filed 12-7-72;10:41 am]

ENVIRONMENTAL PROTECTION AGENCY

UNIROYAL, INC.

Notice of Reextension of Temporary Tolerances

Uniroyal, Inc., Bethany, CT 06525, was granted temporary tolerances (PP 9G0-830) for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on grapes at 10 parts per million, strawberries at seven parts per million, oranges at three parts per million, and almonds at 0.1 part per million (negligible residue) on October 13, 1969 (notice was published in the FEDERAL REGISTER of October 18, 1969 (34 F.R. 17041)). The tolerances expired October 13, 1970.

The firm received a 1-year extension of the temporary tolerances on grapes and almonds and was granted a temporary tolerance of 5 parts per million for residues of the insecticide in or on grapefruit, lemons, and oranges on November 22, 1971 (notice was published in the FEDERAL REGISTER of November 30, 1971 (36 F.R. 22786)).

The firm has requested a 1-year reextension of the temporary tolerances for residues of the insecticide in or on grapes at 10 parts per million; grapefruit, lemons, and oranges at five parts per million; and almonds at 0.1 part per million (negligible residue) to obtain additional experimental data.

It is concluded that such reextension will protect the public health. The tolerances are therefore reextended on condition that the insecticide be used in accordance with the temporary permits which are being issued concurrently and which provide for distribution under the Uniroyal name.

These temporary tolerances expire November 22, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: December 4, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-21104 Filed 12-7-72;8:56 am]

FEDERAL COMMUNICATIONS COMMISSION

[Application 903]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Television Service Rates; Extension of Time

NOVEMBER 15, 1972.

On November 13, 1972, the American Telephone & Telegraph Co. filed cost and other data in support of its Application No. 903 to file revisions in rates for Series 7000 television services. This data was requested by the Commission on October 31, 1971. The newly filed data is available for public inspection in the Revenue Requirements Branch of the Common Carrier Bureau, Room 526, or in the Dockets Branch, Room 230 (Dockets 18128 and 18684).

In order to allow additional time for interested parties to review this data, which is somewhat extensive, the date for the submission of comments on the A.T. & T. application is extended to December 15, 1972. Comments were previously requested by December 1, 1972 (Public Notice No. 91573). Comments submitted to date may be supplemented on or before December 15, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21167 Filed 12-7-72;8:55 am]

[Dockets Nos. 19651, 19652; File Nos. BPH-7747, BPH-7820; FCC 72-1082]

DUNCAN BROADCASTING CO., INC. AND WILLIAM S. HAGARA

Order Designating Applications for Consolidated Hearing

In re applications of Duncan Broadcasting Co., Inc., Duncan, Okla.; Requests: 102.3 MHz, No. 272A; 3 kw. (H and V); 159 feet. William S. Hagara, Duncan, Okla.; Requests: 102.3 MHz, No. 272A; 3 kw. (H and V); 124 feet, for construction permits.

1. The Commission has before it the above applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing is required.

2. William S. Hagara proposes to operate 125 hours per week, of which 25.9 percent will be devoted to programming other than entertainment and sports. He indicates that 11.5 percent of his programming will be news, while 4.8 percent will be devoted to public affairs programming. Approximately 50 percent of the news broadcasts will concern local and regional affairs. To meet these commitments, Mr. Hagara proposes a staff of four full-time employees and one part-time employee. Mr. Hagara, who includes himself as a full-time "employee," intends to work 85 hours per week as manager, chief engineer and announcer, without receiving any compensation. One other full-time employee will work a 40-hour week as an announcer and operator. Mr. Hagara has also stated his intention to have two additional full-time employees who would work on a commission basis as salesmen and, "from time-to-time, as announcers or master of ceremonies of programs on a fee basis." Mr. Hagara asserts that these latter individuals will be compensated "solely from income to the station, from the sale of commercial announcements, and sponsored programs in which they participate." It therefore appears that Mr. Hagara will rely almost entirely upon himself and one full-time employee to do all of the program preparation and announcing, as well as the managing and operation of the proposed station. The fact that Mr. Hagara appears to have adequate funds to hire additional personnel does not satisfy the Commission's doubts concerning his ability to operate with the staff proposed. Clarkston Broadcasters, 12 RR 2d 1203, 1208 (1968). A "basic" staffing proposal should specify at least the minimum number of persons required to effectuate the proposed operation. Semo Broadcasting Corp., 24 RR 605, 607 (Review Board, 1962). Since Mr. Hagara has not delineated a staff which appears realistic or adequate to effectuate his proposal, a staffing issue will be specified. John E. Grant, 23 RR 461 (1962), Botheel Broadcasting Co., 24 RR 292 (Review Board, 1962).

3. William S. Hagara proposes independent programming, while Duncan Broadcasting Co., Inc. proposes to duplicate the programming of its commonly owned AM station, KRHD, during most of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.

However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the staff proposed by William S. Hagara is adequate to effectuate his proposal.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for a construction permit should be granted.

6. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

7. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21163 Filed 12-7-72;8:55 am]

[Docket No. 19544]

PUBLIC COAST RADIOTELEGRAPH STATIONS

Notice of Inquiry; Extension of Time

1. By letter dated November 30, 1972, ITT World Communications Inc. (ITT Worldcom) requests an extension of time until December 11, 1972 in which to file comments in the above-captioned Inquiry (37 F.R. 15197). ITT Worldcom alleges that it will not be possible to complete the process of internal circulation, approvals, typing, proofreading, reproduction, and assembling of its 190-page response by December 1, 1972.

2. We find that ITT Worldcom has shown good cause for the requested extension of time.

3. *Accordingly, it is ordered,* Pursuant to §§ 0.303(c) and 0.331(b)(4) of the Commission's rules pertaining to delegations of authority that the request of ITT World Communications Inc. is granted; and

(A) The time in which to file comments in Docket No. 19544 is extended until December 11, 1972; and

(B) The time in which to file reply comments is extended until January 25, 1973.

Adopted: November 30, 1972.

Released: December 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

IRVING BROWNSTEIN,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.72-21170 Filed 12-7-72;8:55 am]

[Dockets Nos. 19649, 19650; File Nos. BPH-7497, BPH-7602; FCC 72-1081]

RADIO ROCKFORD, INC. AND QUEST FOR LIFE, INC.

Order Designating Applications for Consolidated Hearing

In re applications of: Radio Rockford, Inc., Rockford, Ill., Requests: Channel 265; 3 kw. (H and V); 258 feet; Quest for Life, Inc., Rockford, Ill., Requests: Channel 265; 3 kw. (H and V); 300 feet; for construction permits.

1. The Commission has before it the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing is required.

2. An issue is required with respect to the efforts made by Radio Rockford, Inc. to ascertain the community problems of its proposed service area. The applicant has submitted an ascertainment of its service area which was filed by it with an application (BAL-7204) for assignment of the license of AM station WRRR in Rockford. Although that application was filed within 1 year of the filing of the present application, it was filed (December 28, 1970) and granted (February 12, 1971) prior to the Commission's adoption, on February 18, 1971, of the Primer on the ascertainment of community problems by broadcast applicants (27 FCC 2d 650). Question and answer 2 of the Primer merely state that a section IV filed within 1 year of the tendering of another application by the same applicant and for the same community will generally be acceptable. The Primer elaborated upon and clarified Commission requirements, and it has been our policy to request applicants who rely on ascertainment showing submitted prior to the adoption of the Primer to amend their applications with regard to any deficiencies which may exist in light of the Primer. Radio Rockford, Inc. is not required to conduct an entirely new ascertainment of community problems but it has been requested to resolve certain apparent deficiencies in its submission. This it has not done.

3. In the Primer, we indicated that applicants are required to determine the composition of the proposed city of license so as to apprise not only the Commission, but also the applicant, of all significant groups found there. See questions and answers 4 and 9 of the Primer. In order to determine whether an applicant has met this requirement, a showing must be submitted that contains "* * * such data as is necessary to indicate the minority, racial, or ethnic breakdown of the community, its economic activities, public service organizations, and any other factors or activities that make the particular community distinctive." (Answer 9.) The applicant's "Exhibit No. 5," while providing some insight into the makeup of the Rockford community, is clearly insufficient to comply with these requirements. In addition, it is not clear whether principals in the applicant or proposed management-level employees consulted with community leaders (Question and Answer 11(a)). Furthermore, from the information submitted, it cannot be determined that a method was used to contact members of the general public in a way that assures that a general distribution throughout the population of the community was selected. Finally, the showing with respect to the broadcast matter proposed to meet ascertained problems should include, in addition to program description, frequency, and duration, the time segments during which the programs will be aired. This has not been shown. Accordingly, a Suburban issue will be specified.

4. Quest for Life, Inc., is a religious organization which estimates that religious programing will comprise approximately 25 percent of its total weekly programing schedule. Under these circumstances, we consider the applicant's programing to be specialized in nature, while Radio Rockford, Inc., proposes general market programing.[1] Accordingly, this aspect of the programing proposals of the applicants will be compared under the standard comparative issue. Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. *Accordingly, it is ordered,* That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

[1] Radio Rockford, Inc.'s description of its entertainment format as "classical, semi-classical" does not indicate that it will be engaged in specialized programing.

1. To determine with respect to the application of Radio Rockford, Inc., the efforts made by the applicant to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for a construction permit should be granted.

7. It is further ordered, *That the applicants* shall file a written appearance stating an intention to appear and present evidence of the specified issues, within the time and in the manner specified in § 1.594 of the rules, and shall

8. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: November 29, 1972.

Released: December 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21164 Filed 12-7-72;8:55 am]

[Dockets Nos. 19473, 19474; File Nos. BP-18463, BP-18476; FCC 72R-352]

ROBERT COWAN WAGNER AND SOUTHEAST ARKANSAS RADIO, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Robert Cowan Wagner, Pineville, La.; Southeast Arkansas Radio, Inc., Dermott, Ark.; for construction permits.

1. Before the Review Board is a petition to enlarge issues, filed April 14, 1972, by Robert Cowan Wagner (Wagner) which requests the addition of a Rule 1.65 issue, a Suburban issue and engineering issues against Southeast Arkansas Radio, Inc. (Southeast).[1][2]

RULE 1.65 ISSUE

2. Initially, Wagner requests a Rule 1.65 issue[3] to inquire into the facts and circumstances surrounding the election of Billy Calhoun as an officer and director of Southeast. In support of its request, Wagner relies on a letter to the Commission, dated September 27, 1971, in which Mr. Calhoun stated that he had been elected a vice president of Southeast on February 26, 1969; yet, petitioner notes, Southeast's president, Bennie Ryburn, Sr., by amendment filed November 30, 1971, informed the Commission that Mr. Calhoun was elected on October 4, 1972. Petitioner next points to that portion of Southeast's bylaws which states that the corporation shall have a single vice president and six directors and then contends that, since those positions are already filled, either Mr. Calhoun can be neither an officer nor a director, or the bylaws were changed without appropriate notice.[4]

3. In opposition, Southeast initially notes that the letter dated September 27, 1971, in which Mr. Calhoun stated that he had been elected vice-president on February 26, 1969, was submitted as part of an amendment to the Southeast application on November 30, 1971. However, notes Southeast, in that same amendment is another letter from Mr. Calhoun, dated October 29, 1971, in which he explains the "misunderstanding" between himself and Mr. Ryburn, Sr., which resulted in Mr. Calhoun's assumption that he was an officer and director. According to Southeast, sometime prior to February 26, 1969, Mr. Ryburn approached Mr. Calhoun with an offer to "become a member of the group applying for the station"; that it was agreed that if Mr. Calhoun would "help out" in the Dermott area he could become a vice-president and director. Southeast states that Mr. Calhoun agreed and began participation in the prosecution of the application by keeping the local file and assisting in the community survey, among other things, and Mr. Calhoun's participation was discussed at a Directors' meeting held on February 26, 1969, with Mr. Ryburn later informing Mr. Calhoun of those discussions. As a result of these discussions and his active participation, Southeast contends, Mr. Calhoun assumed that he had been elected vice-president and director, although there was, in fact, never a formal election. Finally, explains Southeast, it was not until Mr. Calhoun's September 27, 1971, letter that Mr. Ryburn realized that Calhoun assumed he had been elected, and to correct this "oversight" Mr. Calhoun was formally elected at a Director's meeting of October 4, 1971. Southeast also refers the Board to the letter amendment from Mr. Calhoun, filed December 13, 1971, which further clarifies this matter. In reference to the number of vice-presidents and directors authorized by the by-laws, Southeast states that its by-laws have been amended to allow Mr. Calhoun to serve as vice-president and director without the necessity of removal of any of the present officers or directors. In support thereof Southeast attaches the minutes of the relevant corporate meetings. Finally, to clarify the status of Mr. Charles L. Honey, Southeast points to portions of those minutes which show that his title is now "Secretary/Treasurer" of the corporation.

4. The Broadcast Bureau supports the addition of a Rule 1.65 issue, urging that the issue is necessary because, if Mr. Calhoun was elected in February 1969, as he has previously stated, then Southeast is guilty of failing to timely amend, while, if the present application accurately reflects the facts, Calhoun is guilty of misrepresentation. In reply, petitioner notes that while the corporate minutes included with Southeast's opposition show creation of an additional vice-presidency, they do not add a director's position, and contends that Mr. Calhoun's status in the corporation apparently cannot be determined without a full evidentiary inquiry.

5. The Review Board will deny the requested Rule 1.65 issue. Such an issue is not needed in the present circumstances because Southeast has promptly and voluntarily informed the Commission of the actual formal election of Billy Calhoun to the positions of vice-president and director. See the Southeast amendments, filed November 1, 1971 and December 13, 1971. A related misrepresentation issue is not needed because the Board finds no valid reason to question Southeast's explanation of a "misunderstanding" between Mr. Ryburn and Mr. Calhoun, as detailed in their sworn statements and summarized in paragraph 3, supra. In this regard, the Board considers it significant that there is no showing of any motive for Southeast to conceal such facts from or mislead the Commission in this regard. Cf. Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970); and Auburn Publishing Co., 34 FCC 2d 134, 24 RR 2d 29 (1972). Moreover, the additional vice-presidency and directorship has no effect on the legal, financial or other qualifications of the applicant, and therefore the Board believes no purpose would be served by further inquiry into this matter.[5] Cf.

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[2] Commissioner Johnson dissenting: Commissioner Reid concurring in the results.

[1] Also before the Review Board are the following related pleadings: (a) supplement to petition to enlarge issues, filed April 17, 1972, by Wagner; (b) opposition, filed May 18, 1972, by Southeast; (c) Broadcast Bureau's comments, filed May 18, 1972; and (d) reply, filed May 25, 1972, by Wagner. The Board will accept the supplement because it is only 2 days late, corrects an "inadvertent" error in attaching affidavits, and will not prejudice any party.

[2] Wagner also requests various issues with respect to the application of Patrick H. Robinson (Docket No. 19472, File No. BP-18320), which was also designated for hearing with the above applications. The Robinson application has since been dismissed by the Administrative Law Judge by order, FCC 72M-682, released May 24, 1972, and therefore the requested issues are mooted.

[3] Rule 1.65 requires disclosure when the information furnished in an application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred.

[4] Petitioner also asserts that there is a "question" as to the corporate title of Charles H. Honey, one of the principals of Southeast listed in the by-laws as "Secy.-Treas., General Counsel," contending that it is not clear whether he is Secretary-Treasurer, General Counsel or Secretary General Counsel.

[5] The Board is aware of the fact that, while the by-laws were amended to create an additional vice-presidency, no such amendment relating to a directorship for Mr. Calhoun was cited. However, the Board notes that the minutes of a June 26, 1972 Directors' meeting, as contained in the Southeast application, indicate that an appropriate directorship was established. Also, the minutes supplied by Southeast adequately indicate Mr. Honey's corporate title.

Harvit Broadcasting Corp., 34 FCC 2d 586, 24 RR 2d 160 (1972).

SUBURBAN ISSUE

6. Wagner also argues that Southeast has failed to show compliance with several of the requirements of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants.[6] Initially, petitioner notes that, although Southeast's 0.5 mv/m contour covers a "significant portion" of northern Louisiana (including the city of Monroe (population 56,374)), no persons in that State were interviewed as to either local or statewide problems. Wagner contends next that a review of Southeast's application indicates that "principals or management-level employees" were not used to conduct the survey of community leaders as required by Primer (Q. and A. 11(a)), and it appears that no distinction was ever drawn between the community leaders' survey and the general public survey. In this regard, Wagner also argues that the method used by Southeast to insure a "random sampling" of the general public is not stated and therefore the validity of that survey is in question.[7] Finally, petitioner attacks the substance of Southeast's demographic survey, charging that it represents nothing more than a recitation of population and sales statistics along with "canned Chamber of Commerce-type releases" and does not represent a true effort to determine the various significant groups in the area as envisioned by the Primer.

7. In opposition, Southeast initially argues that many of the deficiencies alleged by Wagner were pointed out by the Commission by letter, dated September 13, 1971, and in response thereto Southeast submitted its November 30, 1971 amendment which contains various surveys and other information rectifying those potential deficiencies. Thus, Southeast argues, Wagner has failed to allege any new facts which substantially question its survey. In reference to coverage of the State of Louisiana, Southeast notes that Monroe is over 75 miles from Dermott,[8] and contends that, as permitted by the Primer, Southeast has chosen to serve a six-county area in southeast Arkansas and does not propose to serve the State of Louisiana. As for the challenge to its demographic survey Southeast urges that the information relied upon is precisely the type specified in the Primer. Finally, Southeast defends its survey of the general public with the assertion that the interviews were conducted by a "man-on-the-street" method, thereby insuring equal numbers of males and females, as well as adequate control over such factors as age and race.

8. The Broadcast Bureau supports addition of the requested issue, concluding that its review of Southeast's application demonstrates a failure to make any contacts in significant portions of its service area, a failure to contact representative community leaders and a failure to indicate by what method a valid cross-sampling of the general public was taken. In reply, Wagner argues that the "deficiencies" in Southeast's survey are compounded by Southeast's "admission" that it will not attempt to provide service to Louisiana. Wagner contends that an applicant cannot be allowed to "pick and choose" the outlying areas and communities it will serve or else the Commission's frequency allocation scheme is in danger. Wagner also attacks the efficacy of a "man-on-the-street" type interview, arguing that such a method cannot provide the required random sampling. Finally, Wagner reasserts its contention that the demographic data supplied by Southeast does not meet the Primer requirements in that, for example, Southeast has set forth no groups in the area and therefore it must follow that any survey of community leaders will be inaccurate.

9. Although Southeast has by amendment and in its responsive pleading adequately answered several of the questions raised by the petitioner, i.e., whether Southeast failed to survey a significant portion of its proposed service area,[9] whether it utilized principals or management-level employees to conduct the survey, and whether a distinction was drawn between surveys of the general public and community leaders, the Board nevertheless is of the view that the addition of a Suburban issue is warranted. The primary reason for our determination is the apparent failure of Southeast's demographic survey to provide an adequate showing of the composition of the community as required by the Primer (Q. and A. 10). The purpose of such a showing is, of course, to inform the applicant and the Commission as to what groups comprise the community and yet, as noted by petitioner, nowhere in Southeast's application is there any indication of what groups are present or their location. Just as important, Southeast "has not shown that it prepared an adequate summary of the applicable data or that its determination is based on anything more than generalities and estimates." In sum, Southeast "has simply supplied no concrete information on which a determination of the composition of the community can be based," WPIX, Inc., 34 FCC 2d 419, 421, 24 RR 2d 59, 62 (1972), and addition of the issue is necessitated. Moreover, the Board is concerned with the "random sample" survey of the general public. As noted in the Primer (Q. and A. 13(b)), random sample consultations with the general public "should be designed to further ascertain community problems which may not have been revealed by consultations with community leaders." In view of the apparent failure of Southeast's demographic survey to adequately locate the various groups and, in turn, the leaders thereof, the possible failure of the "man-on-the-street" survey to provide a truly random sampling of the general public assumes even greater significance.[10]

TECHNICAL ISSUES

10. Wagner's final requested issues seek a determination of whether the signal placed over Dermott, Southeast's proposed city of license "represents good engineering practice in the light of the normally expected variations in signal strength occurring in the null areas of its directional antenna pattern," and whether the antenna site proposed by Southeast is the best site to provide the maximum signal strength over Dermott.[11] Petitioner relies on the case of Edina Corp., 27 F.R. 7692, published August 3, 1962, where a similar issue was added and also submits the affidavit of its engineer in which he avers that the Southeast proposal does not represent "good engineering practice" because of a diminution of signal strength over Dermott which might fail to provide the required coverage.

11. The Review Board will deny the requested issues. As pointed out in the responsive pleadings of both the Broadcast Bureau and Southeast, the allegations in support of these issues are conclusory in nature and are not supported by concrete charges of technical deficiencies sufficient to support the action requested. Rule 1.229(c). In its responsive pleading, Southeast has adequately shown that its proposal complies with the coverage provisions of Commission Rules 73.188(b)(1) and 73.188(b)(2), which distinguishes the instant proposal from that in Edina, supra, where the Commission had previously specified such a coverage issue. Finally, in reference to Southeast's antenna site, the Board notes that Attachment 1 to Wagner's petition to enlarge, which depicts the interference situation between Southeast and WKRA, establishes that any site selected further east from that presently proposed would result in increased interference from Station WKRA.

12. *Accordingly, it is ordered,* That the supplement to petition to enlarge issues, filed April 17, 1972, by Robert Cowan Wagner, is accepted; and that the petition to enlarge issues, filed April 14, 1972, by Robert Cowan Wagner, is

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[6] 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[7] Wagner also argues that certain of the interview sheets attached to Southeast's application raise a question of Southeast's "candor," in that, although the sheets are signed by separate parties, they "contain printing in the identical same hand."

[8] Primer (Q. and A. 6) states that "no major city more than 75 miles from the transmitter site need be included in the applicant's ascertainment, even if the station's service contours exceed that distance."

[9] In this regard, we note that the only major community which petitioner specifically alleges is located in the unsurveyed area is Monroe, La., which is located more than 75 miles from Dermott.

[10] Although the petitioner, in a footnote, contends that the handwriting on various sheets submitted by different Southeast interviews is similar, and suggests that this raises questions of candor, petitioner concedes that it is speculating, and its unsupported allegations in this regard are clearly insufficient to warrant a separate candor issue.

[11] In this regard, Wagner argues that Southeast should make a showing as to why its antenna site could not be moved further east, thereby stabilizing its signal over Dermott.

granted to the extent indicated herein, and is denied in all other respects; and

13. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine the efforts made by Southeast Arkansas Radio, Inc. to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs and interests; and

14. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under this issue shall be upon Southeast Arkansas Radio, Inc.

Adopted: November 30, 1972.

Released: December 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21165 Filed 12-7-72;8:55 am]

[Docket No. 19631; File Nos. BALH-1653, BASCA-494; FCC 72-1017]

TURNPIKE BROADCASTING CORP. AND KMOD BROADCASTING CORP.

Memorandum Opinion and Order Designating Application for Consolidated Hearing

In re application of Turnpike Broadcasting Corp. (Assignor), and KMOD Broadcasting Corp. (Assignee), for assignment of license of KMOD(FM), Tulsa, Okla.

1. The Commission has before it the above captioned application for assignment of license of KMOD(FM), Tulsa, Okla., a petition to deny filed by KFMJ, Inc., licensee of KRAV-FM, Tulsa, Okla., and reply pleadings.

2. The petition to deny alleges that KMOD(FM), which has been off the air since July 15, 1971, has produced spurious emissions over a long period of time which the licensee has been unable to control and that those radiations have caused long-standing interference to petitioner's station.[1] The petitioner also questions the assignee's financial qualifications to acquire and operate KMOD (FM) and eliminate the spurious emission problem. The assignee has made proposals to eliminate the spurious emission problem and has submitted amendments to its financial showing. These amendments have resolved the questions raised in the Petition to Deny and it will therefore be denied. However, other serious questions raised by the assignment application require that it be designated for hearing. All of these matters are discussed below.

3. The assignee has stated with regard to the spurious emission problem that it believes that it can bring the existing transmitter into compliance with FCC rules and would submit to the Commission a proof of performance showing that it was in compliance prior to commencing operations. The assignee also submitted a contract with a consulting engineer to make an equipment proof of performance and make weekly inspections and adjustments of the transmitter. The assignee further stated that if it was not possible to use the existing transmitter, it would install a new transmitter, and it submitted a letter from Gates Radio Co. quoting a price and terms for a new transmitter and generator. In view of these representations, a grant of the assignment application will be conditioned on submission of a proof of performance prior to commencement of operations. This will protect the Petitioner from interference to its station in the future without need for a hearing on this question.

4. Regarding the assignee's final qualifications, a tabulation of its first year needs and available liquid resources is set forth below:

	First Year Needs
$82,750	Purchase price in full at closing.
1,655	Grant fee.
5,000	Six months' interest on $100,000 bank loan from Bank of Minneapolis, on which interest only at 10 percent is payable for the first 6 months. Thereafter there will be equal monthly payments of principal and interest for 5 years.
19,750	Nine months' payments of principal and interest on the bank loan. Since the station may be off the air for 3 months after closing, 15 months may elapse before the assignee has operated the station for a year.
115,000	Assignee's estimate of operating expenses.
11,395	First year costs of replacing present transmitter and generator with Gates equipment.
235,550	

	Resources
$10,000	Escrow deposit.
12,200	Available liquid assets of Herbert Gross, assignee's 100 percent owner.
100,000	Loan from Bank of Minneapolis. Interest only at 10 percent is payable for the first 6 months. Thereafter, there will be equal monthly payments of principal and interest for 5 years.
30,000	Mortgage loan to be given by Bank of Minneapolis to Herbert Gross on his house.
82,925	Loan from Gross' parents to be repaid when he is able. They have offered to loan $85,000 but have only shown that they have available $82,925.
3,000	Loan from Darryl Hensley. He offered to loan $5,000, but has only shown that he has $3,000 available. No interest or principal need be paid until KMOD(FM) is completely solvent.
35,000	Loan from Wayne Gensmer, which he is qualified to make. No payments of interest or principal are due until the Bank of Minneapolis loan is retired.
273,125	

In view of the above, we conclude that the assignee is financially qualified.

4. The assignee, KMOD Broadcasting Corp., is owned 100 percent by Herbert Gross. His other broadcast interests include a one-third ownership interest in Titanic Corp., licensee of WGGR(FM), Duluth, Minn. Titanic acquired WGGR (FM) by assignment granted March 11, 1970, at which time Gross was also president and director of licensee.[2] By letter to the Commission dated October 13, 1970, signed by Gross, WGGR advised that it was eliminating all "Public Affairs" and "other" nonentertainment programing from the programing proposal submitted with the assignment application,[3] based on the representations that the listening public desired a "pure music format" and that maintaining the original proposal would be "economic suicide". On December 20, 1970, the staff directed a letter to the licensee which: (1) recited the background of the programing representations by WGGR; (2) noted that no new survey had been submitted which would reflect a change in the needs of the area commensurate with the change in the programing proposal; (3) advised that a serious question was presented as to whether WGGR had made its original programing proposals merely to obtain expeditious approval of its application by the Commission, and (4) requested WGGR to explain the public interest considerations which caused it to decide to eliminate all public affairs and other nonentertainment programing. WGGR's response, dated January 9, 1972, claimed that "talk" programing was incompatible with the "unique" stereo music format. It also advised that the reason public affairs and other nonentertainment programing were not broadcast was because their listeners preferred the music format and WGGR's actual experience in the market had given it a more realistic idea of the needs and interests of Duluth than it had when the original proposal was made. This response incorporated the station's programing proposal contained in its renewal application which was filed on January 4, 1971 (BRH-1822) and contained no provision for "Public Affairs" or "Other" nonentertainment programing.

5. On July 27, 1971, a prehearing letter was sent to WGGR. It recited the above-background regarding WGGR's failure to broadcast programs as promised and asked WGGR: (1) Whether any public affairs and other nonentertainment programing had been broadcast from the time the station went on the air until the Commission was advised they were eliminated from the original proposal; (2) to state in detail how it proposed to meet the needs and interests of its community with only public service announcements;

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[1] KMOD(FM)'s June 1, 1971, renewal application is in a deferred status, KFMJ, Inc. has also filed a petition to deny the renewal application. The petition is unopposed and raises the spurious emission problem and questions the licensee's financial ability to remedy the situation.

[2] Gross is also 100% owner of KFLD-FM, Litchfield, Minn.

[3] In an earlier letter, dated September 9, 1970, WGGR's program director advised the Commission that its proposed "Other" nonentertainment programing was being eliminated because clients and listeners had requested that the music format not be interrupted.

and (3) whether a new survey had been conducted after the station went on the air upon which it based the change in its proposed programing. In an amendment dated August 16, 1972, signed by Gross, the licensee advised that: (1) It had not broadcast any "Public Affairs" or "Other" nonentertainment programing from the time the station commenced operation, although denying any intention not to do so; [4] (2) no new survey had been conducted, but instead letters from listeners and rating service reports were relied upon; and (3) that the station was actively involved with community groups such as Planned Parenthood, rather than just playing PSA's. The amendment also provided for 1 percent "Public Affairs" and 2 percent "Other" nonentertainment programing to be broadcast after midnight and before 7:30 a.m. A later amendment, dated November 12, 1971, advised that Gross had been removed as President of Titanic, that public affairs programing would be broadcast at more normal listening hours; manifested a recognition that the licensee had been derelict in the past; and affirmatively advised that the station would adhere to its programing proposals. On the basis of these later representations, the license of WGGR was renewed on March 23, 1972.

6. In summary, Titanic, the licensee of WGGR, through Gross, its president, made affirmative representations to the Commission regarding the amount and kind of "Public Affairs" and "Other" nonentertainment programing it would broadcast. Relying on these representations, the Commission granted the assignment of WGGR to Titanic. Titanic, through Gross, the officer responsible for the day-to-day operation of WGGR, failed to either implement any part of the proposal or to satisfactorily explain why it had not done so. It was only after Gross had been removed as president and had been relieved of the day-to-day responsibility for the operation of the station and affirmative representations were made with regard to the future operation of WGGR, that we were able to make the statutory finding that the public interest would be served by a grant of WGGR's license renewal application.

7. The matters discussed supra would be sufficient, standing alone, to require a hearing to determine whether the public interest would be served by permitting Mr. Gross to acquire an additional facility. Dupage County Broadcasters, 21 FCC 2d 395 (1970). However, the subject assignment application and responses by Mr. Gross to staff inquiries subsequent to its filing raise equally grave questions.

8. The subject assignment application was filed prior to our grant of the license renewal of station WGGR. The application, signed by Gross, while setting forth his interest in WGGR, affirmatively denied that another application was pending before the Commission. In light of the personal involvement of Mr. Gross in the operation of WGGR and questions regarding his conduct at the station which had been raised with respect to the then pending WGGR renewal application, a substantial question is raised whether this representation by Mr. Gross was intended to mislead the Commission.[5]

9. Further, in the letter dated October 2, 1972, filed in connection with the subject assignment application, Mr. Gross again commented on his role in WGGR's operation. In contrast to his earlier responses indicating complete approval of the manner in which WGGR had been operated, Mr. Gross claimed that the failure to broadcast the public affairs programs on WGGR had been without his knowledge and contrary to his express instructions and blamed the program director, Jack Christensen, for these failures. This apparent conflict in statements by Mr. Gross also cannot be resolved without hearing since they all involve material representations to this Commission. In this regard we also note that while Mr. Gross now claims he was particularly upset with Mr. Christensen's failure to follow instructions in September 1970, in the WGGR renewal application dated December 16, 1970, Mr. Gross advised the Commission that this same employee continued to be responsible for the programming and day-to-day operation of the station.

10. Except as indicated, the assignee is qualified to acquire station KMOD as proposed. However, because of the above-discussed questions regarding the conduct of Mr. Gross with respect to the acquisition and operation of WGGR, Duluth, Minn., the Commission cannot make the statutory finding that a grant of this application would serve the public interest, convenience, and necessity. The Commission is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and location in Washington, D.C. to be specified in a subsequent order upon the following issues:

1. To determine all the facts and circumstances surrounding:

(a) The filing of application BALH-1205 for the assignment of license of Station WWJC-FM (now WGGR) signed by Herbert Gross, with particular regard to representations made regarding "Public Affairs" and "All Other" nonentertainment programing to be broadcast to meet the needs of the licensee's community;

(b) The failure of WGGR to broadcast such programs as promised and whether misrepresentations were made to the Commission by Gross and other station personnel with respect thereto; and

(c) The failure of Gross to advise the Commission in the subject assignment application of the pending WGGR renewal application.

2. To determine, in light of the evidence adduced pursuant to issue 1, whether Herbert Gross has the requisite qualifications to acquire an additional broadcast facility.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, 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.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the Petition to Deny filed by KFMJ, Inc., is denied.

It is further ordered, That, if it is determined after hearing that a grant of the application would serve the public interest, such grant will be made subject to the following condition: That prior to commencement of regular operation, the assignee will submit section II-B of FCC Form 302, including equipment performance measurements made in accordance with § 73.254 of the Commission's rules which satisfactorily establish that all spurious emissions and other existing technical deficiencies have been corrected.

Adopted: November 15, 1972.

Released: November 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-21166 Filed 12-7-72;8:55 am]

[Dockets Nos. 19606, 19607; File Nos. 33-A-L-42, 6-A-L-72]

YES! AND FLITELINES SERVICES

Order Setting Aside Order

In regard applications of Vermillion Enterprises, Inc., doing business as YES! and James E. Wilkinson, doing business as Fliteline Services, for an

[4] Correspondence submitted by the licensee did not reflect any attempt on the part of the station to develop locally produced public affairs programing.

[5] In an October 2, 1972 letter, Gross claimed this was an inadvertence.

[6] Commissioner H. Rex Lee concurring and issuing a statement, filed as part of the original document; Commissioner Reid absent.

aeronautical advisory radio station to serve the Snohomish County Airport (Paine Field), Everett, Wash.

The Order adopted on November 13, 1972 (and released November 14, 1972) in these dockets is hereby set aside pursuant to §§ 0.331(b)(21) and 1.113(a) of the Commission rules.

Adopted: November 29, 1972.

Released: December 1, 1972.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.72-21169 Filed 12-7-72;8:55 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 583]

BUCKLEY & CO.

Order of Revocation

On November 10, 1972, Buckley & Co., 17 Battery Place, New York, NY 10004, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 583 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 583 of Buckley & Co. be and is hereby revoked effective November 10, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Buckley & Co.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.72-21118 Filed 12-7-72;8:52 am]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, CA 94105

Agreement No. 7345-17, between the members of the California Association of Port Authorities (CAPA), modifies the basic agreement which provides for the establishment and maintenance of just and reasonable rates, rules, and regulations at member's terminals at ports in the State of California. The purpose of the modification is to amend Article 3-A to permit any member to make a change in his tariff which results in an increase solely in his own jurisdiction on the basis of majority approval rather than unanimous approval.

By order of the Federal Maritime Commission.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21124 Filed 12-7-72;8:53 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessel*
01076---	D/S A/S Gudvin: Gudvin.
01185---	Aksjeselskapet Kosmos: Jarabella.
01465---	Scottish Ship Management, Ltd.: Cape St. Vincent.
01548---	Hain-Nourse Ltd.: Kohinur.
01816---	The Bowater Steamship Co., Ltd.: Constance Bowater.
01819---	King Line Ltd.: King Henry.
01843---	A. F. Harmstorf & Co.: Rungholtsand.
01910---	Deutsche Dampfschifffaharts-Gesellschaft "Hansa": Lindenfels Lichtenfels Marienfels.
01996---	Rederei Ab Poseidon: Pilhamn.
02043---	Soumen Tankkilaiva Oy-Finska Tankfartygs Ab: Wirma.
02167---	Sartori & Berger: Nesshorn.
02174---	Chandris America Lines S.A.: Atlantis.
02198---	Peninsular & Oriental Steam Navigation Co.: Quiloa.
02332---	Lykes Bros. Steamship Co., Inc.: Louise Lykes C-2.
02429---	G. & C. Towing Inc.: Endeavour.
02521---	Metcalfe Shipping Co., Ltd.: Fidentia.
02901---	Dominion Nav. Co., Ltd.: Ethel Sleigh.
02956---	Ashland Oil, Inc.: T 150 SL. T 250 SL.
02961---	Kobe Kisen K.K.: Mishima Maru.
03054---	H. Schuldt: Sonderburg.
03144---	Stenakas Shipping Corp.: Allisun.
03217---	Rederiaktiebolaget Atalanta: Sea Spring.
03240---	Prado Compania Naviera S.A. of Panama: Victoria 1. Destrehan.
03397---	Hilmar Reksten: T/T Gratian.
03479---	Okada Shosen K.K.: Tango Maru.
03484---	Sanko Kisen K.K.: Odessa Maru.
03902---	Rubystone Shipping Corp., Monrovia: Rubystone.
04346---	Interocean Oil Transport Corp.: Texanita.
04640---	McAllister Lighterage Line, Inc.: Warrior.
04818---	Ocean Oil Associates, Inc.: Golar Jeanne-Marie.
04884---	Hall Corp. (Shipping) 1969 Ltd.: Rockcliffe Hall.
04953---	Partenreederei "Einswardersand": Einswardersand.
05155---	Bultema Dock & Dredge Co.: Ohio.
05162---	Helgot Shipping Corp.: Helgoland.
05211---	Utica Maritime Shipping Co., Inc.: Virgo.
05339---	Skymar Shipping Ltd.: Aries.
05352---	Delmar Shipping Ltd.: Capricorn.
05387---	Jetmar Shipping Ltd.: Libra.
05608---	Th. F. Fekete & Co.: A. C. Christensen.
05625---	Maritime International Development Corp., Ltd.: Hoi Fung.
05862---	World Tide Shipping Corp.: Shomron.
06260---	Empress Shipping Co. Ltd.: Atlantic Empress.
06334---	S. & H. Towing Co. Inc.: S. & H. No. 1.
06523---	Acamar Navigation Corp.: Despina N.
06524---	Aldebaran Navigation Corp.: Trias.

Certificate No.	Owner/Operator and vessels
06526---	Bellatrix Navigation Corp.: Angelica.
06527---	Eltanin Navigation Corp.: Sandra N.
06529---	Capella Navigation Corp.: Mersinidi.
06530---	Markab Navigation Corp.: Maria K.
06531---	Denebola Navigation Corp.: Semira.
06569---	Kresar Shipping Co. S.A.: South Venture.
06578---	Van Nievelt, Goudriaan & Co. nv: Ilios. Astron.
06697---	Parnaso Cia Naviera S.A.: Leandros.
07084---	Controlled Explosives, Inc.: Clamshell Dredge #615.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21117 Filed 12-7-72;8:52 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01094---	St. Andrews Shipping Co., Ltd.: Muirfield.
01537---	Compania Ultramarine S.A.: Ocean Sovereign.
01574---	Fearnley and Eger: Fernmount. Ferncourt. Fernwave.
01877---	Carbocoke-Societa' Di Navigazione S.P.A.: Gerolamo Cardano.
02039---	"GRYF" Deep Sea Fishing Co.: Kulbak.
02716---	Aktieselskabet Det Dansk-Franske Dampskibsselskab: Skotland. Afrika.
03744---	Ocean Fisheries, Inc.: Finisterre.
04099---	Waterways Marine of Memphis, Inc.: Ellis 1252.
04492---	Haruki Suisan Kabushiki Kaisha: Yuko Maru No. 8.
04539---	Mr. Kusugoro Yamamoto: Senshumaru No. 18.
04601---	American Tunaboat Association. Margaret L. Venturous.
04884---	Hall Corp. (Shipping) 1969 Ltd.: Scotiacliffe Hall.
04939---	Panocean Ship Management Ltd.: Post Challenger.
05047---	PPG Industries, Inc.: Ft-24.
05167---	Consorcio Naviero Peruano, S.A.: Tacna.
06467---	Florida Lines, Ltd.: Key Largo.
06494---	Great West Towing & Salvage Ltd.: Great West No. 3.
06511---	Associated Shipping Corp. Ltd.: Southern Ocean.
06570---	Tenax Steamship Co. Ltd.: Bernes.
07226---	Kee Yeh Navigation Inc.: Chi Chang.
07246---	Anca Shipping Inc.: Sankostar. Sankolight.
07288---	Chester Ferry Corp.: Chester. Bridgeport. Delaware.
07362---	Primorsk Shipping Co.: Moscalvo.
07375---	Panathinaikos Compania Naviera S.A., Panama: Pericles Halcoussis.
07378---	Hudson Shipping Co. Ltd.: Spring Flower.
07384---	Portaitissa Corp.: Maritsa P. Lemos.
07392---	Dido Shipping Co., S.A., Panama: Dido.
07396---	Trade Oil Co., S.A.: Trade Star.
07399---	G. & R. Salvatori: Stolt Desiree.
07403---	Mortensen & Lange: Storedal.
07406---	Rolle Shipping & Trading Corp.: Rolle.
07412---	Chittagong Steamship Corp. Ltd.: Ocean Envoy.
07414---	Rederij Atlantide: Atlantide.
07421---	Komrowski Befrachtungskontor KG: Duburg.
07423---	Marbahia Compania Naviera S.A.: Parnassos.
07428---	H & P Shipping A/S Helle F.: Helle Frank.
07429---	Gulf Transport Corp. (Panama): Santa Rita No. 1.
07430---	Plakoura Armadora S.A.: Lips.
07438---	Philippine Ace Lines, Inc.: Tindalo. Molave. Narra. Ipil.
07440---	Cape Henry Shipping Co. Ltd.: Cape Henry.
07442---	Liberian Cactus Transports, Inc.: Asia Dale.
07443---	CIA Makedonia de Navegacion S.A.: Fidias.
07444---	Sameiet "Kongshav": Kongshav.
07445---	Arini Compania Naviera, S.A.: Lindaki.
07446---	Bright Greek Sky Shipping Co. S.A.: Silver Ocean.
07447---	Silver Seagull Shipping Co. S.A.: Silver Seagull.
07448---	Hamburger Fleet Shipping Comp. Inc. Monrovia: Hamburger Fleet.
07449---	Hamburger Dom Shipping Comp. Inc. Monrovia: Hamburger Dom.
07451---	Union Pride Shipping Corp., Inc.: Union Pride.
07452---	The Fathersisland Corp.: Nicolaos Pateras.
07453---	Transportes Navieros Ecuatorianos: Ecuador.
07454---	Grandmar Compania Naviera S.A.: African Lion.
07455---	Hagby Corp.: Hampton Bridge.
07456---	Associated Transportation Ltd.: Uniona.
07460---	Sofrana New Guinea Line: Capitaine Bougainville.
07461---	Hamburger Senator Shipping Comp. Inc., Monrovia: Hamburger Senator.
07463---	Gulf Marine and Services Co., Ltd.: Gulf Rey.
07467---	Dae Wang Fisheries Co., Ltd.: Dae Wang No. 201.
07469---	Bulk Carriers International, Inc.: Stolt Laguna.
07470---	Mardiestra Armadora S.A.: Kavo Yossonas.
07471---	Navieros Progresivos S.A.: Kavo Maleas. Kavo Kolones. Kavo Astrapi. Kavo Longos. Kavo Peiratis.
07472---	Galaro Compania Naviera S.A.: Cape Avanti.
07473---	Vencedora Armadora S.A.: Kavo Matapas.
07474---	Panconquista Armadora S.A.: Triaena.
07475---	Navegadores Atlanticos S.A.: Pico Truncado.
07477---	Fides Maritime (Private) Ltd.: Fides Friendship.
07478---	Vigli Maritime Co. Ltd.: Leon.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21116 Filed 12-7-72;8:52 am]

[Docket No. 72-61]

DELAWARE RIVER TERMINAL & STEVEDORE CO. INC. AND LAVINO SHIPPING CO.

Order of Investigation

The Philadelphia Port Corp. (PPC) is a nonprofit corporate instrumentality of the city of Philadelphia, Commonwealth of Pennsylvania, and the Greater Philadelphia Chamber of Commerce, with representation from the Delaware River Port Authority and various segments of the business community. The corporation has acquired, by lease, all present city of Philadelphia general cargo facilities and is currently engaged in a program of improved structural maintenance, rehabilitation, and modernization. The corporation is funded by the city and Commonwealth. PPC entered into Agreement No. T-2455 with Delaware River Terminal & Stevedore Co., Inc. (D.R.T. & S.) and Agrement No. T-2553 with Lavino Shipping Co. (Lavino); filed both agreements with the Federal Maritime Commission and requested that both be found not subject to section 15 of the Shipping Act, or alternatively, that they be approved pursuant to section 15.

Agreement No. T-2455 is a sublease between PPC and D.R.T. & S. for the Tioga Container Terminal which is being constructed on a fill site on the Delaware

River. The facility is now essentially complete and will consist of two upstream marginal berths (Berths 4 and 5) and approximately 22 acres of contiguous paved container handling and storage area, a Kocks container crane, crane rails, and rail tracks.

Agreement No. T-2553 is a sublease between PPC and Lavino for the Packer Avenue Container Terminal also being constructed on a fill site on the Delaware River. Completion is anticipated late in 1972. When completed, the facility will consist of two downstream marginal berths (Berths 4 and 5) and 20 acres of contiguous paved container handling and storage area, a Kocks container crane, crane rails, and rail tracks. Under both agreements, the leased premises will be used as marine container terminals and annual rentals will be based upon the number of containers handled with a specified minimum payment of $100,000 and a maximum payment of $400,000 plus certain other rents and taxes. The subleases are for 5-year terms with renewal options.

Agreement No. T-2455 was entered into on August 7, 1970; filed for approval pursuant to section 15 on September 21, 1970; and noticed in the FEDERAL REGISTER on September 26, 1970. In response thereto an informal protest was filed on October 19, 1970, by Atlantic and Gulf Stevedores, Inc. (AGS), a Philadelphia stevedore and terminal operator. Agreement No. T-2553 was entered into on August 6, 1971, and filed for approval pursuant to section 15 on August 27, 1971. On December 28, 1971, PPC filed amendments to both agreements, portions of which eliminated certain provisions providing for equalization of rental terms and rates charged for container handling, and certain other controls by PPC over rates at both facilities. Notice of the agreements, as amended, was published in the FEDERAL REGISTER on January 7 and 8, 1972. On February 7, 1972, AGS reaffirmed its protest against both agreements alleging that D.R.T. & S. had been purchased by the J. A. McCarthy Co., a subsidiary of Lavino, and that therefore Lavino through its control or interest in D.R.T. & S. and J. A. McCarthy Co. will have complete control of all modern container facilities in the port of Philadelphia and that because of other contractual rights will have use and control of approximately 60 percent of all available berths in the port of Philadelphia.

According to PPC, intense efforts were made to interest other prospective users in operating the subject facilities and that virtually all of the major terminal operators and stevedoring companies doing business in Philadelphia, including AGS, declined the opportunity to sublease these facilities. PPC also alleges that the city of Philadelphia and the South Jersey Port Corp. presently plan to develop additional modern container facilities. AGS disputes these and other claims stating in part that the subleases in question were not offered to other prospective users at terms comparable to those reflected in Agreements Nos. T-2455 and T-2553 and that the proposed additional facilities will not be completed in time to counteract the alleged anticompetitive effect of these agreements.

It appearing that the subleases between PPC and Lavino, and PPC and D.R.T. & S., for the most modern container facilities in the Port of Philadelphia, may have far-reaching effects on competitive relationships in the area of the Port of Philadelphia and may therefore affect competition so as to be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916; that Agreements Nos. T-2455 and T-2553 are agreements subject to the provisions of section 15, Shipping Act, 1916; that said agreements may violate section 16 First of the Act by granting a preference to Lavino and D.R.T. & S. to the prejudice and disadvantage of other stevedores wishing to offer complete terminal services at the Port of Philadelphia; that said agreements may violate section 17 of the Act by preventing vessels from exercising their choice of stevedores according to established customs in the trade, and that the parties to Agreements Nos. T-2455 and T-2553 may have conducted operations pursuant to said agreements without Commission approval in violation of section 15.

Now therefore it is ordered, That pursuant to section 22 of the Shipping Act, 1916, an investigation be and hereby is instituted to determine: (1) Whether Agreements Nos. T-2455 and T-2553, as amended, are agreements subject to the provisions of section 15; (2) whether Agreements Nos. T-2455 and T-2553, as amended, are true and complete copies of the understandings and/or arrangements between the parties; and (3) whether the parties have in any manner implemented said agreements, understandings, or arrangements prior to receiving approval by the Commission pursuant to section 15;

It is further ordered, That said investigation determine whether the agreements are unjustly discriminatory or unfair as between carriers or operate to the detriment of the commerce of the United States or are contrary to the public interest in violation of the standards of section 15; whether said agreements should be approved, disapproved, or modified pursuant to section 15; whether the agreements grant undue or unreasonable preference or advantage to D.R.T. & S. and/or Lavino or subject AGS or others to any undue or any unreasonable prejudice or disadvantage in violation of section 16 First; and whether the agreements establish or enforce unjust and unreasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property in violation of section 17;

It is further ordered, That in the event any modification of these agreements is filed with the Commission, such modification shall be made subject to this investigation for approval, disapproval, or modification pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That PPC, D.R.T. & S., and Lavino be made respondents and that AGS be made petitioner in this proceeding;

It is further ordered, That this matter be assigned for an expedited hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that said hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and petitioner who shall be duly notified of the time and place of scheduled hearings;

It is further ordered, That any persons, other than respondents, petitioner, and the Commission's Bureau of Hearing Counsel, who desire to become parties to this proceeding and participate therein shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 5(1) of the Commission's rules of practice and procedure, 46 CFR 502.72, with copies to all parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21115 Filed 12-7-72;8:52 am]

KOMMANDITTSELSKAPET CRUISE VENTURE A/S & CO. AND PRINCESS CRUISES CORP., INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Kommandittselskapet Cruise Venture A/S & Co., Drammensveien 30, Oslo 2, Norway.
and
Princess Cruises Corporation, Inc., c/o Princess Cruises, 3435 Wilshire Boulevard, Los Angeles, CA 90010.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21120 Filed 12-7-72;8:52 am]

DONALD L. FERGUSON CRUISES, LTD.

Notice of Issuance of Casualty Certificate

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passenger or other Persons on Voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Donald L. Ferguson Cruises, Ltd., c/o Donald L. Ferguson, Ltd., 219 Palermo Avenue, Coral Gables, FL 33134.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21121 Filed 12-7-72;8:52 am]

HELLENIC LINES, LTD., AND WATERMAN STEAMSHIP CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

L. A. Parish, Agent, Waterman Steamship Corp., Post Office Box 231, Mobile, AL 36601.

Agreement No. 10025, between Hellenic Lines, Ltd., and Waterman Steamship Corp., covers the establishment of a rate agreement encompassing various rates, charges, classifications and related tariff matters agreed to by the parties in the trade from U.S. Atlantic and gulf ports to the Port of Aqaba, Jordan, in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21123 Filed 12-7-72;8:53 am]

NORTH EUROPE-U.S. PACIFIC FREIGHT CONFERENCE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Leonard G. James, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

The North Europe-U.S. Pacific Freight Conference, Agreement No. 93, has filed an application for permission to institute an exclusive patronage (dual rate) contract system pursuant to section 14b of the Shipping Act, 1916. An addendum to the form of contract provides for guaranteed rates on wines and spirits on a calendar-year basis with certain exceptions. The spread between contract and non-contract rates will be approximately 15 percent but no greater.

By order of the Federal Maritime Commission.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21125 Filed 12-7-72;8:53 am]

RICHARD L. JONES CUSTOMHOUSE BROKER ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Richard L. Jones, doing business as Richard L. Jones Customhouse Broker, 300 West Second Street, Calexico, CA 92231.

Aarid Consolidators and Forwarders, Inc., 1337 South Hanover Street, Baltimore, MD 21230.

OFFICERS

Donald H. Dailey, President, Leroy H. Dailey, Vice President, Betty Lee Mayes, Secretary/Treasurer.

C. J. Swift & Co., Inc., doing business as McClary, Swift & Co., Inc., 240 Jackson Street, San Francisco, CA 94111.

OFFICERS

Clarence J. Swift, President, James W. Swift, Secretary/Treasurer, Edward E. Swift, Vice President, Mark V. Sosa, Vice President.

San Francisco International Customs Service Inc., 500 South Airport Boulevard, South, San Francisco, CA 94080.

OFFICERS

Robert L. Waggoner, President, Marshall Brownfield, Vice President, Dolores G. Waggoner, Secretary/Treasurer.

By the Commission.

Dated: December 4, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21122 Filed 12-7-72;8:52 am]

[Independent Ocean Freight Forwarder License No. 1256]

ULTRAMAR INTERNATIONAL SHIPPING

Order of Revocation

On November 13, 1972, the Federal Maritime Commission received notification that Ultramar International Shipping, 318 East Hill Crest Boulevard, Inglewood, CA 90301, wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1256 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set

forth in Manual of Orders, Commission Order No. 1 (revised) (section 7.04(f) (dated 5–1–72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1256 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Ultramar International Shipping be and is hereby revoked effective November 13, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Ultramar International Shipping.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.72–21119 Filed 12–7–72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. CI73–387]

McCULLOCH OIL CORP. OF TEXAS

Notice of Application

DECEMBER 5, 1972.

Take notice that on December 1, 1972, McCulloch Oil Corp. of Texas (Applicant), 10880 Wilshire Boulevard, Los Angeles, CA 90024, filed in Docket No. CI73–387 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the Hobart Ranch Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 2,885 Mcf of gas per month, for a term extending from the date of initial delivery to the first day of the month following the expiration of 1 year from the date of initial delivery, at 35.0 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment, within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates heating content of the gas at 1,150 B.t.u. per cubic foot.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–21133 Filed 12–7–72;8:53 am]

[Docket No. CI61–137, etc.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 30, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI61–137 ..... D 10–27–72	Mobile Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, TX 77046.	Brooks Field, Irion County, Tex.....	Assigned	
CI66–1106 ..... C 10–30–72	CRA, Inc., Post Office Box 7305, Kansas City, MO 64116.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	[1] 26.5	14.65
CI68–1402 D 11–2–72	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, TX 77046.	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	Assigned	
CI71–561 ..... D 10–27–72	do.....	Colorado Interstate Gas Co., Greenwood Field, Baca County, Colo.	[2]	
CI72–855 ..... B 6–23–72	Success Oil & Gas Co., Inc. (formerly Americana Oil & Gas Properties of Texas, Inc.), Post Office Box 4520, Monroe, LA 71201.	Arkansas-Louisiana Gas Co., Monroe Field, Morehouse Parish, La.	Uneconomical	
CI73–145 ..... A 8–28–72	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Lone Star Gas Co., Grayson County, Tex.	[3] 24.0	14.65
CI73–265 ..... (CI61–1199) F 10–10–72	Getty Oil Co., (successor to John Franks), Post Office Box 1404, Houston, TX 77001.	Texas Gas Transmission Corp., Calhoun Field, Ouachita, Lincoln, and Jackson Parishes, La.	[4] 20.25	15.025
CI73–288 ..... A 10–24–72	Mountain Petroleum, Ltd. (1972), 712 Denver Center Bldg., Denver, Colo. 80203.	Kansas-Nebraska Natural Gas Co.; Inc., Fleming Area, Logan County, Colo. (T. 8 N.–R. 50 W.).	[5] 25.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI73-305..... A 10-27-72	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., South Viel Field, Dewey County, Okla.	[3] 21.315	14.65
CI73-311..... A 10-30-72	Shell Oil Co., 1 Shell Plaza, Houston, TX 77001.	Tennessee Gas Pipeline Co., Main Pass Block 69 Field, Plaquemines Parish, La.	[6] 35.0	15.025
CI73-313..... B 10-30-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., Grand Isle Block 16 and Grand Isle Block 18 Fields, Offshore, Louisiana.	[7]	.....
CI73-314..... B 10-30-72	Apache Corp., Post Office Box 2299, Tulsa, OK 74101.	Cities Service Gas Co., Nardin Field, Grant County, Okla.	Depleted	.....
CI73-315..... B 10-30-72	do	Cities Service Gas Co., Northwest Nardin Field, Grant County, Okla.	[8]	.....
CI73-316..... B 10-30-72	do	Cities Service Gas Co., Nardin, Northwest Field of Grant County, Okla.	Depleted	.....
CI73-317..... B 10-30-72	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Texas Eastern Transmission Corp., North Port Neches Field, Orange County, Tex.	[9]	.....
CI73-318..... A 10-30-72	Ashland Oil, Inc., Post Office Box 1503, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	[3] 32.0	55.025
CI73-319..... B 6-5-72	Rhodes & Hicks Drilling Corp (Operator) et al., Post Office Drawer 1579, Alice, TX 78332.	Valley Gas Transmission, Inc., West Dinero Field, Live Oak County, Tex.	[10]	.....
CI73-320..... F 10-27-72	Sam Krasner, d.b.a. K-SAM Oil Co. (successor to Gulf Oil Corp. and others), Post Office Box 1190, Kilgore, TX 75662.	United Gas Pipeline Co., Hainesville Dome Field, Wood County, Tex.	17.66	14.65
CI73-321..... B 10-31-72	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., acreage in Simpson-Holloway Headright Survey Waskom, Field, Harrison County, Tex.	[11]	.....
CI73-325..... A 10-30-72	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90051.	Florida Gas Transmission Co., Bayou Mallet Field, Acadia and St. Landry Parishes, La.	24.625	15.025
CI73-326..... A 10-26-72	Pennzoil Producing Co. (successor to Cities Service Oil Co.), 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., East Crescent Farms, Terrebonne Parish, La.	23.5	15.025
CI73-327..... A 11-3-72	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, WV 25325.	Cabot Corp., L. D. Griffith No. 1 Field, McDowell County, W. Va.	32.0	15.325
CI73-328..... A 11-6-76	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., acreage in Ship Shoal Area, Offshore Louisiana.	[3] 45.0	15.025
CI73-329..... A 11-6-76	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Columbia Gas Transmission Corp., Block 146, West Cameron Area, Offshore Louisiana.	[3] 36.0	15.025
CI73-330..... B 10-27-72	Mobil Oil Corp., 3 Greenway Plaza East Suite, 800, Houston, TX 77046.	Tennessee Gas Pipeline Co., South Marsh Island Block 79 Field, Offshore (Federal), Louisiana.	Depleted	.....

[1] Includes upward B.t.u. adjustment of 1.7 cents.
[2] Mobil leased to Dawson Operating Co., Inc., small producer in Docket No. CS71-1030, its right, title and interest in and to that producing acreage fully described in lease.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Includes all adjustments and tax reimbursement.
[5] Not used.
[6] Includes base price of 35 cents, plus B.t.u. adjustment of 1.27685 cents per Mcf and 1-cent tax reimbursement.
[7] Expiration of contract.
[8] Wellhead pressure declined and would not flow into sales line.
[9] The sale of gas being transported has been abandoned.
[10] Cancellation of the contract by letter agreement dated May 24, 1972.
[11] Production ceased in 1967. Gas is no longer available.

[FR Doc.72-21045 Filed 12-7-72;8:45 am]

[Docket No. CP73-137]

TEXAS GAS PIPE LINE CORP.

Notice of Application

DECEMBER 4, 1972.

Take notice that on November 22, 1972, Texas Gas Pipe Line Corp. (Applicant), Post Office Box 2120, Houston, TX 77001, filed in Docket No. CP73-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities and the transportation of natural gas for Union Texas Petroleum, a Division of Allied Chemical Corp. (Union Texas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,000 Mcf of natural gas per day from the tailgate of Union Texas' Winnie Plant through its existing 12-inch pipeline in Jefferson County, Tex., and to deliver such gas to Natural Gas Pipeline Co. of America (Natural) for the account of Union Texas at an interconnection with Natural. Applicant states that Natural will purchase the subject gas from Mitchell Energy Offshore Corp. et al. (Mitchell) from Block 176-S, Prospect Area, offshore Texas, and deliver such gas onshore to Union Texas for transportation to its Winnie Plant for processing, compression and ultimate redelivery to Natural. Applicant proposes to charge Union Texas one-half cent per Mcf for this transportation service. Mitchell has filed in Docket No. CI73-271 an application requesting authorization to sell such gas to Natural pursuant to § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Union Texas has filed an application requesting authorization to transport such gas to Natural in Docket No. CI73-322.

Applicant proposes to construct and operate a line tap to permit the interconnection of its facilities with Natural's facilities. Applicant estimates the cost of the tap at $150, which it plans to finance from cash on hand.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21079 Filed 12-7-72;8:53 am]

FEDERAL RESERVE SYSTEM

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successors to First National Bank in Dallas, Dallas, and Houston-Citizens Bank &

Trust Co., Houston. As an incident to the proposal, Applicant will acquire indirect control of 26.4 percent of the voting shares of Guaranty Bank, Dallas (formerly South Oak Cliff Bank), through an interest now held directly by First National Bank in Dallas under a debt previously contracted. In addition, Applicant also will acquire indirectly through HB&T Stockholders Co., Houston (a trusteed affiliate of Houston-Citizens Bank & Trust Co.) a 6.7 percent interest in First Alief Bank, Alief, Tex.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is approved for the reasons set forth in the Board's Statement[1] of this date. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 30, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-21142 Filed 12-7-72;8:54 am]

JEFFERSON STREET STATE BANK

Order Approving Merger of Banks

Jefferson Street State Bank, Houston, Tex., a nonoperating proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to merge with Houston-Citizens Bank & Trust Co., Houston, Tex. (Bank), under the name of Bank and charter of applicant as a means to facilitate the acquisition of the voting shares of Bank by First International Bancshares, Inc., Dallas, Tex.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order[1] of this date, approving the application of First International Bancshares, Inc., to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to First National Bank in Dallas, Dallas, Tex., and Houston-Citizens Bank & Trust Co. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 30, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-21143 Filed 12-7-72;8:54 am]

PERPETUAL CORP.

Order Approving Acquisition of Bank Shares

Perpetual Corp., Los Angeles, Calif., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 7.1 percent of the voting shares of First International Bancshares, Inc., Dallas, Tex. (First International), a proposed multibank holding company.

Notice of the receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and finds that:

Applicant, a bank holding company since December 31, 1970, by operation of law, presently holds 63.3 percent of the voting stock of Houston-Citizens Bank & Trust Co., Houston, Tex. (Houston-Citizens), of which 18.8 percent of said shares are directly held by applicant and 44.5 percent through a wholly owned subsidiary, Pierce National Life Insurance Co., Los Angeles, Calif. Subject application is a companion to an application filed by First International, which proposes to form a new multibank holding company with First National Bank in Dallas and Houston-Citizens as its subsidiary banks. As a result of the latter proposal, which the Board has approved under a separate order of this date, applicant will acquire 7.1 percent of the shares of First International in exchange for its present 63.3 percent interest in Houston-Citizens. In addition, the president of applicant will serve as a director of First International; thus, applicant's stock interest in First International, plus the existence of a common director between applicant and First International, establishes applicant as a bank holding company under section 2(g)(3) of the Bank Holding Company Act.[1]

Since the transaction involves only a restructuring in corporate ownership, consummation of the proposal will have no adverse effects on existing or potential competition. Applicant's financial resources and future prospects as they apply to applicant's investment in First International appear favorable. Approval of the proposed transaction will have no effect on the convenience and needs of the communities involved. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 30, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-21144 Filed 12-7-72;8:54 am]

THIRD NATIONAL CORP.

Acquisition of Bank

Third National Corp., Nashville, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Dissenting Statements of Governors Robertson and Brimmer filed as part of the original document and available upon request.

[1] Filed as part of the original document for F.R. Doc. 72-21142. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Dissenting statements of Governors Robertson and Brimmer filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer.

[1] "Shares transferred after Jan. 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) * * * to any transferee that * * * has one or more officers * * * in common with * * * the transferor shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee."

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer.

shares of Third State Bank in Knoxville, the successor by merger to Banks of Knoxville, Knoxville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1972.

Board of Governors of the Federal Reserve System, December 1, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-21085 Filed 12-7-72;8:53 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSIDERATION OF ENVIRONMENTAL IMPACT AND PROVIDING OF PUBLIC INFORMATION

Operational Implementation Procedures

Correction

In F.R. Doc. 72-19680 appearing at page 24461 of the issue for Friday, November 17, 1972, the following changes should be made:

1. On page 24462 in the 14th line of paragraph 5. *Policy* the word "the" should read "and".

2. On page 24464 in paragraph (c) in the third column "include both those that directly affect" should be inserted between the 16th and 17th lines.

3. On page 24466 the second and third lines from the bottom of the first column, reading "but which involve the authority of EPA; EPA will be informed that no state-" should be transposed so that they appear in the middle column of page 24466 immediately after the fifth line of paragraph (b) under 16. *Section 309 of the Clean Air Act Amendments of 1970.*

SECURITIES AND EXCHANGE COMMISSION

[812-3264]

BROAD STREET INVESTING CORP. ET AL.

Notice of Application for Order Exempting Applicants

DECEMBER 4, 1972.

Notice is hereby given that Broad Street Investing Corp., National Investors Corp., Union Capital Fund, Inc., and Whitehall Fund, Inc., c/o William H. Hazen, 65 Broadway, New York, NY 10006 (hereinafter collectively called the "Funds"), all diversified, open end management investment companies registered under the Investment Company Act of 1940 (Act), and Union Service Distributor, Inc. (Union), the principal underwriter of the Funds (hereinafter Funds and Union collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The prospectus of each Fund states that a sales commission is included in the offering price of the shares of such Fund.

Each of the Funds proposes to sell its shares at net asset value to a shareholder in any of the Funds who redeems all or a part of his shares. Such sales will be limited to a person who, within 15 days after such redemption, either: (1) requests the reinstatement of his account by a purchase of shares of the Fund in an amount equal to all or any portion of the proceeds of the redemption, or (2) asks to purchase shares of any of the proceeds of the redemption (a direct exercise of the exchange privilege now available to all shareholders). The privilege will be available only when a shareholder has owned the shares redeemed for 6 months or more, and the sale to the shareholder may not exceed the exact amount of the redemption proceeds. The order to purchase shares after a redemption must be received by the Fund or Union and must be postmarked within 15 calendar days after the date the request for redemption was received. The purchase will be made at the net asset value per share next determined after receipt of the order.

Applicants state that no compensation of any kind will be paid to the distributor or to any dealer or salesman in connection with the purchase of shares pursuant to exercise of the reinstatement privilege. Any costs of reinstatement will be borne by Union, except that shareholders who exercise the exchange privilege will be charged the $5 service fee to cover the costs of an exchange as described in the prospectus of each of the Funds.

Applicants assert that in order to protect against the possibility of abuse of this privilege by shareholders who might speculate upon an anticipated, short-term decline in the value of a Fund's portfolio, it is proposed that the privilege be available for exercise only by a shareholder who has not previously exercised this privilege with respect to any of the Funds.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 27, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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 Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21148 Filed 12-7-72;8:54 am]

[812-3303]

EATON & HOWARD BALANCED FUND ET AL.

Notice of Application for Order Exempting Applicants

DECEMBER 4, 1972.

Notice is hereby given that Eaton & Howard Balanced Fund, Eaton & Howard Stock Fund, Eaton & Howard Income Fund, Eaton & Howard Growth Fund, Inc., and Eaton & Howard Special Fund, Inc., 24 Federal Street, Boston, MA 02110 (Funds), all of which are diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Eaton & Howard, Inc., (E&H), the Funds' principal underwriter (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants

from the provisions of section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The prospectus of each of the Funds states that a sales commission is included in the offering price of the shares of the Funds.

Applicants propose to offer to persons who have caused their shares of any of the Funds to be redeemed the privilege of being able to reinstate their accounts or to purchase shares of any of the Funds without any sales charges. In order to be eligible for this privilege, an investor must not previously have exercised this privilege as to any of the Funds. Reinstatement, or the purchase of shares of any of the Funds pursuant to the privilege, will be limited to not more than the amount of the redemption proceeds (or, if fractional shares are not purchased, to an amount necessary to purchase the nearest full share). A written order to purchase the shares must be received by the Fund or E&H, or be post-marked, within 15 days after the date the request for redemption was received, accompanied by an executed stock power with signatures properly guaranteed. The purchase will be made at the net asset value per share next determined after receipt of the order, and no sales commission will be received by E&H or any dealer with whom E&H has a sales agreement.

Applicants state that to advise investors of the privilege, the Funds or E&H may, at its expense, probably through the facilities of E&H and probably by a statement inserted with the redemption check, or in appropriate instances by an initial telephonic communication, advise the investor of the right to reinvest in a Fund (which may or may not be the Fund whose shares were redeemed) at net asset value; this would be in addition to the disclosure of the privilege in the prospectuses of the Funds. No compensation will be paid to dealers or employees of E&H based on these transactions.

Applicants contend that the proposed privilege will remind investors of features of their investment which they may have overlooked, or of which they may have been unaware at the time they redeemed. Applicants also assert that because of the limitation of the privilege to investors who have not previously exercised it as to any of the Funds, and because the purchase order must be in writing, the privilege does not afford a method of speculating upon an anticipated short-term decline in the net asset value of a Fund.

Section 6(c) of the Act provides that the Commission, upon application, may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any person may, not later than December 27, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon 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 Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21149 Filed 12-7-72;8:54 am]

[812-3322]

FIRST INVESTORS FUND, INC., ET AL.

Notice of Filing of Application for Order Exempting Applicants

DECEMBER 4, 1972.

Notice is hereby given that First Investors Fund, Inc., First Investors Fund for Growth, Inc., First Investors Discovery Fund, Inc., and First Investors Fund for Income, Inc., 120 Wall Street, New York, NY 10005 (collectively the "Funds"), all diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the Act), and First Investors Management Company, Inc. (FIMC), and First Investors Corporation (FIC), both co-underwriters of each of the Funds (the Funds, FIMC and FIC collectively referred to as the "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting certain transactions from section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The prospectuses of the Funds state that a sales commission is included in the offering price of the shares of such Funds.

The Applicants propose to offer to persons who have redeemed shares of any of the Funds a one-time privilege to: (1) Reinstate their accounts by repurchasing shares at net asset value without a sales charge up to the amount redeemed, or (2) purchase shares of any other of the Funds at net asset value without a sales charge up to the amount redeemed through the exercise of the exchange privilege which is available to the shareholders of each of the Funds. It is contemplated that the Applicants will inform eligible persons of this reinvestment privilege by letter or telephone as part of processing of the redemption request. To be effective, notice from eligible persons wishing to exercise such privilege must be received by the respective Fund or postmarked within 15 days after the date the request for redemption was received. The reinstatement or exchange will be made at the Fund's net asset value next determined after the notice of exercise of the privilege is received and will be limited to the amount of the redemption proceeds. No sales commissions will be received by FIMC or FIC or any sales representative on such purchases. All costs involved will be borne by FIMC and FIC, except that all persons exercising the exchange privilege will be charged a $5 service fee.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked, or of which they may have been unsure at the time they redeemed, and that in order to minimize the possibility of shareholder abuse through speculation on a possible short-term decline in the net asset value of the Fund's shares, the reinvestment privilege is being offered on a one-time basis and must be exercised within a relatively short period of time.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 27, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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 Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21150 Filed 12-7-72;8:54 am]

[File Nos. 2-40894 (22-6752)]

FLINTKOTE CO.

Notice of Application and Opportunity for Hearing

NOVEMBER 30, 1972.

Notice is hereby given that The Flintkote Co. (Flintkote) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Securities and Exchange Commission (Commission) that the trusteeship of Bankers Trust Co. (Bankers Trust) under Indentures dated as of October 1, 1960 (the 1960 Indenture) and July 15, 1971 (the 1971 Indenture), both of which were qualified under the Act and the trusteeship of Bankers Trust under an Indenture to be entered into upon execution of a lease agreement (the New Indenture) which New Indenture will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust from acting as Trustee under the New Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

Flintkote alleges that:

(1) As of October 31, 1972, it had outstanding $619,000 principal amount of its 4½ percent Debentures due 1980 (the Debentures) under the 1960 Indenture.

(2) As of October 31, 1972, it had outstanding $40 million principal amount of its 8¼ percent Sinking Fund Debentures due July 15, 1996 (the Sinking Fund Debentures) under the 1971 Indenture.

(3) It proposes to enter into a lease agreement (the Lease Agreement) with the County of Jefferson, Kentucky (the County), pursuant to which Flintkote will lease from the County certain pollution control machinery and equipment (the Project) to be constructed at certain of Flintkote's facilities located in Jefferson County, Ky. Upon execution of the Lease Agreement, the County proposes to enter into a trust indenture (the New Indenture) with Bankers Trust Co., pursuant to which the County will issue not in excess of $18 million principal amount of its Pollution Control Revenue Bonds [the Flintkote Project], Series 1972 (the Bonds). The principal of, and interest and premium, if any, on the Bonds will be payable solely from rents, revenues and receipts paid by Flintkote to the County under the Lease Agreement. In addition, upon execution of the Lease Agreement and the New Indenture, Flintkote proposes to enter into a guaranty agreement (the Guaranty Agreement) with Bankers Trust Co., as trustee, pursuant to which Flintkote will guarantee the full and prompt payment of said principal of, and interest and premium if any, on the Bonds.

(4) By virtue of section 3(a)(2) of the Securities Act of 1933, as amended (the 1933 Act), the Bonds are exempt from registration under the 1933 Act because interest on the Bonds is excludable from the gross income of the recipient under section 103(a)(1) of the Internal Revenue Code of 1954 by reason of application of paragraph 4(F) of section 103(c) since the proceeds of the Bonds are to be used to provide pollution control facilities.

(5) By virtue of section 304(a)(4)(B) of the Trust Indenture Act the New Indenture is not required to be qualified under the Trust Indenture Act.

(6) The Bonds will be issued by the County and will be secured by the payments to be made to the County under the Lease Agreement. The Bonds will be payable (absent recourse to the guaranty) solely out of the rents, revenues and receipts of the County derived pursuant to the Lease Agreement and no other funds of the County will be available for payment of the principal of, and interest and premium, if any, on the Bonds. Flintkote will not be a party to the New Indenture.

(7) The provisions of the 1960 Indenture, the 1971 Indenture, the New Indenture, the Lease Agreement and the Guaranty Agreement are not so likely to involve Bankers Trust Co. in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Co. from acting as trustee under any of said Indentures.

(8) The obligations of Flintkote under the 1960 Indenture and the 1971 Indenture and the Lease Agreement to pay rents for the Project and the Guaranty Agreement to guarantee payment of the principal of, and interest and premium, if any, on the Bonds are all wholly unsecured and each such obligation ranks equally with the other. Flintkote is not in default under the 1960 Indenture or the 1971 Indenture.

Counsel for Bankers Trust has submitted an opinion supporting Flintkote's representation to the effect that the obligations of Flintkote described in the preceding paragraph (8) rank equally with each other.

Flintkote has waived notice of hearing, hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than December 26, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21151 Filed 12-7-72;8:54 am]

[File 500-1]

POWER CONVERSION, INC.

Order Suspending Trading

DECEMBER 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, 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 December 5, 1972, through December 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21146 Filed 12-7-72;8:54 am]

[File 500-1]

TOPPER CORP.

Order Suspending Trading

DECEMBER 4, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 5, 1972, through December 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21147 Filed 12-7-72;8:54 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, these materials are set forth in full as follows:

CHAPTER 660—ALTERNATE SERVICE

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660.13	Completion of alternate service.

Attachment
660-1 Sample waiver request.

CHAPTER 660—ALTERNATE SERVICE

SECTION 660.1 *Responsibility for administration.* 1. Conscientious objectors in Class 1-O are liable for 24 months of alternate service contributing to the national health, safety, or interest, in lieu of induction. The State Director, under the supervision of the Director, will assure compliance with the law, the regulations, and selective service policy concerning the program of alternate service.

2. The State Director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State Director will coordinate job placement activities in any State outside his own with the State Director of the State in which the job is located. In assigning a registrant outside his own State, the assigning State Director must have the approval of the "receiving" State Director or the Director of Selective Service.

3. A registrant classified in Class 1-O will be issued an Order to Report for Alternate Service (SSS Form 153) by any member or compensated employee of the local board or any compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the local board. At the same time the registrant will also be issued three copies of Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) together with the Conscientious Objector Skills Questionnaire (SSS Form 152) with a return envelope preaddressed to the State Director of the State in which he is registered, at the same time that he would be issued an Order to Report for Induction (SSS Form 252) were he classified in Class 1-A or 1-A-O. The SSS Form 153 is the equivalent to an Order to Report for Induction (SSS Form 252). The SSS Form 153 is legal notice to the registrant that he is ordered to alternate service and orders him to report to his State Headquarters not less than 70 days later for a job assignment if he does not find an approvable job before that time. Information on the SSS Form 153 advises the 1-O registrant of his rights and obligations under the alternate service program.

4. An Amendment to Order to Report for Alternate Service (SSS Form 153A) will be used to assign a registrant to a specific job. Since the 1-O registrant is allowed 60 days to find a job of his own choosing, no specific assignment to an employer will be made until the 60 days has expired. Every SSS Form 153 issued will be amended by issuing an SSS Form 153A, assigning the registrant to a specific job as follows:

a. When the registrant proposes a job which the State Director approves during the 60 day job search period and signs a waiver (see Attachment 660-1) of the time remaining in the 70 days provided in the SSS Form 153.

b. When the registrant accepts a job suggested by the State Director during the 60 day job search period and signs a waiver of the time remaining in the 70 days provided in the SSS Form 153.

c. When the registrant does not find an approvable job during the 60 day job search period the State Director will assign the registrant to a specific job by directing the local board to issue an SSS Form 153A immediately after the expiration of the 60 day job search period.

d. In the unusual situation where a specific job opening may not be available or arrangements for a specific job will not be completed prior to the expiration of the 70-day period, the registrant shall be advised in writing by the State Director that his reporting date is postponed to a date certain and that an SSS Form 153A will be issued to him at least 10 days prior to that date.

5. The successful operation of the alternate service program is dependent upon placing the registrant promptly in an approved job which is related, insofar as possible, to his training, education, and skills. With this in mind, the registrant should be strongly encouraged by the State Director and local board personnel to propose his own alternate service employment for the State Director's approval.

SEC. 660.2. *Management, control and supervision of Alternate Service Program.* 1. The selective service files of all registrants ordered to alternate service in lieu of induction shall be forwarded to the State Director immediately after an SSS Form 153 is issued. The State Director retains custody of the registrant's file during the job assignment period and until alternate service is completed except for the brief periods it must be returned to the local board for board action. In case the registrant is assigned to alternate service outside the State, the custody of the registrant's file is transferred to the State Director of the State in which the registrant is employed or to the Director of Selective Service when the registrant's employment is outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone.

2. Immediately upon receiving the file folder of a 1-O registrant ordered to alternate service, the State Director will establish necessary records and controls to provide for the timely placement and supervision of the registrant in alternate service.

3. Entries regarding issuance, submission and receipt of forms and letters may be made on page 8 of the SSS Form 100 or page 2 of the SSS Form 101 by either the local board or State Director depending upon who has custody of the registrant's file folder.

4. Since the State Director has been delegated the authority for the placement of registrants in alternate service and for determining the appropriateness of the work to be performed, it is incumbent upon him to develop a sufficient number of jobs in his State to take care of the prompt assignment of any registrant who does not locate, on his own, an appropriate job. The success of this program depends on having at all times actual job vacancies to which registrants can be assigned.

5. The State Director must develop a program of job solicitation with eligible employers to provide openings for all registrants presently ordered for alternate service

and to take care of estimated requirements. In order to facilitate the placement of conscientious objectors, each State Director shall maintain for his own use and for the issuance to and use by the local boards in assisting registrants:

a. A current inventory of actual job openings in appropriate work within the State.

b. An up-to-date inventory of approved employers within the State who have agreed to employ conscientious objectors.

6. A plan should be developed for a continuing program of contacts with eligible employers in order to secure additional job vacancies. Employers who have at one time or another employed conscientious objectors provide a prime source of additional job openings. Many new employers may have to be encouraged to participate in the program. Every means of contacting employers should be utilized. If field contacts are necessary, they should be made by personnel of the State headquarters staff, State inspectors, and area and group supervisors. Reserve and National Guard officers performing training may be used effectively for making employer contacts.

7. With the information available from the registrant's file, including the SSS Forms 152, it should be possible to utilize a registrant's qualifications in job placement. The State Director should give consideration to a job which will utilize a registrant's talents and skills, but the assignment of the registrant should not be delayed because there may not be a job available which will enable him to fully utilize his talents and skills. Assignments to alternate service in lieu of induction, in order to be considered satisfactory, must require full-time employment. A 35–40 hour work-week is acceptable as "full-time" employment.

8. When a registrant submits his own proposed job a decision must be made within 15 days as to approval or disapproval. Delay can result in the loss of the job opening. Likewise, when a registrant does not locate an approvable job on his own, he should be assigned immediately after his 60 days search period to one of the existing job vacancies.

9. Each State Director should establish a program for the supervision and monitoring of the 1–W registrants in work assignments. Periodic on-the-job checks of registrants in alternate service assignments should be made. This can be accomplished in many cases along with the contact with employers to secure new position vacancies. In addition to the State Director and his immediate staff, State inspectors and area and group supervisors as well as Reserve and National Guard officers should be utilized in making on-the-job checks.

10. When complaints are received from alternate service employers or from employed registrants, immediate steps should be taken to resolve the problem. Complaints should be handled through personal contact by a member of the State headquarters staff whenever possible.

SEC. 660.3 *Examination of Registrants.* A 1–O registrant shall be ordered for an Armed Forces examination in accordance with the provisions of Chapter 628, Registrants Processing Manual. If he fails to report for or submit to an Armed Forces examination, he shall be considered as available for selection and ordered for alternate service in the same manner as if he had been found acceptable.

SEC. 660.4 *Information Concerning Alternate Service.* 1. Any information which will assist registrants in finding their own jobs should be provided to the local boards by the State Director.

2. A registrant may secure information concerning alternate service processing from any local board or State Director. However, the responsibility for placing the registrant remains with the State Director having jurisdiction over the registrant's local board of record.

SEC. 660.5 *Volunteering for Alternate Service.* 1. Only registrants classified in Class 1–O may volunteer for alternate service. If the 1–O registrant wishes to volunteer for alternate service he must submit an Application of Volunteer for Alternate Service (SSS Form 151) to his local board. This form may be obtained at any local board. When completed, the registrant may either forward the form to his own local board, or he may request that the form be forwarded to his local board by any other local board. When submitting job offers, he must furnish for each proposed job an Employer's Statement of Availability (SSS Form 156), which may be obtained at any local board, or a letter containing the same information. The registrant's local board must promptly submit every SSS Form 156 or letter proposing employment to the State Director for his consideration. The State Director will approve or disapprove such job offer(s). Entries will be made on page 8 of the Classification Questionnaire (SSS Form 100) or page 2 of the Registrant File Folder (SSS Form 101), showing the date of issuance of the SSS Form 151 and SSS Form(s) 156 and the date of receipt of any such forms or letters it may receive for its registrants.

2. If the State Director approves the proposed job, any member or compensated employee of the local board or any compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the local board shall (1) issue to the registrant an Order to Report for an Armed Forces Examination (SSS Form 223) (unless the registrant has been found acceptable for service, within 1 year or unless the registrant has waived his right to an Armed Forces examination) and, if he is found to be acceptable for service, (2) issue to the registrant an SSS Form 153 and SSS Form 153A. If the registrant is found not acceptable (RBJ), he shall be returned for reexamination after the RBJ period has expired, if he still wishes to volunteer, or if his RSN is reached for AFE by that time. If the registrant is found not acceptable (not RBJ) he shall be classified into Class 4–F.

3. A copy of the SSS Form 153 and the SSS Form 153A shall be placed in the registrant's file folder and an entry showing the date of issuance shall be made on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

4. If the volunteer for alternate service fails to locate a job which can be approved by the State Director, no action will be taken on his application. The SSS Form 153 and SSS Form 153A will not be issued until they would have been issued had the registrant not volunteered.

Example. John Coogan's RSN of 197 has not been reached. John submits an SSS Form 151 to his local board with a statement from a charitable organization that they have accepted him for employment. The State Director determines this to be an appropriate work assignment. Since John was examined and found acceptable within a year, the local board at the request of the State Director issues an SSS Form 153 and SSS Form 153A ordering him to his place of employment. If John had not submitted an appropriate alternate service job for consideration, no action would have been taken, because John's RSN had not been reached.

SEC. 660.6 *Selection of a Nonvolunteer for Alternate Service.* 1. A nonvolunteer shall be ordered for alternate service in lieu of induction when his RSN is reached under a uniform national call.

2. A 1–O registrant in a medical specialist category shall be ordered for alternate service at the time he would have been ordered for induction under a special call had he been in Class 1–A or 1–A–O.

3. When the random sequence number of a 1–O registrant is reached, his local board will issue him an SSS Form 153. The SSS Form 153 shall specify the place and date on which the registrant is to report in accordance with the instructions of the State Director and paragraph 3, Section 660.1, of this chapter. A copy of the SSS Form 153 will be placed in the registrant's file folder and an entry as to the date of issuance of the form shall be placed on page 2 of the SSS Form 101 or page 8 of the SSS Form 100. Any registrant who is issued an SSS Form 153 and a subsequent assignment to alternate service by an SSS Form 153A who will attain the 26th anniversary of the date of his birth prior to the date scheduled to commence alternate service, shall have his order canceled.

4. One copy of Conscientious Objector's Skills Questionnaire (SSS Form 152) and three copies of SSS Form 156 will be issued to the registrant along with SSS Form 153 and the date of issuance and return will be entered on page 8 of the SSS Form 100 or page 2 of the SSS Form 101. The registrant should return the completed SSS Form 152 to the State Director within 15 days. If a registrant to whom an SSS Form 153 has been issued submits within 60 days after the issuance of his SSS Form 153 a proposed job that is approved by the State Director, the State Director shall direct the local board to issue an SSS Form 153A.

5. After the issuance of the SSS Form 153, the registrant's local board will immediately forward his file folder to the State Director and insert a charge-out card in its place in the file. Any SSS Forms 156 or an SSS Form 152 later received by the local board will be forwarded to the State Director for inclusion in the registrant's file folder.

SEC. 660.7 *Eligible employment of registrants performing alternate service.* 1. Appropriate alternate service employment will be limited to the following:

a. Employment by the United States Government, or by a State, territory, possession, or by a political subdivision of the United States, or by the District of Columbia.

b. Employment by a nonprofit organization, association, or corporation which is primarily engaged in a charitable activity conducted for the general public or is responsible for a program for the improvement of the public health or welfare, including scientific and educational activities in support of the program, when such activity or program is not principally for the benefit of the members of such organization, associations or corporations, or for increasing its membership; or

c. Employment in an activity of an organization, association, or corporation which is charitable in nature, performed for the benefit of the public health or welfare, including educational and scientific activities in its support, when such activity or program is not for profit.

Example. A profit making organization operates a free clinic in a socially or economically depressed area and takes no profit from its operations and is open to all persons. A conscientious objector could work in such a clinic.

2. Employers with Blanket Placement Authority:

a. In order to expedite the placement of registrants in alternate service, the Director recognizes eligible and interested organizations and agencies as employers with blanket placement authority. These are organizations and agencies that qualify under paragraph 1 of this section, and have job assignments which qualify under section 660.7. Many of

the jobs which they have available have previously been approved by one or more State Directors.

b. This program requires the advance approval by the Director of the activity of the organizations and agencies and the type of jobs to which they indicate 1–O registrants will be assigned.

c. When an organization is approved by the Director as having blanket placement authority, all State Directors will be informed of the approval. The organization will submit SSS Forms 156 only for jobs which have been determined by the Director to be acceptable. Therefore, when any State Director receives an SSS Form 156 from an employer who has blanket placement authority, the job will be approved.

The following is a list of organizations which have been approved as employers with blanket placement authority. The name and address of the organization and the name and title of the responsible official are given for your reference and assistance.

American Baptist Home Societies, Valley Forge, Pa. 19481.	Mr. Matthew R. Giuffrida, Director, Volunteer Services.
Church of the Brethren, 1451 Dundee Avenue, Elgin, IL.	Mr. Charles L. Boyer, Director, Volunteer Services, Ministry to Men Facing the Draft, World Ministries Commission.
Evangelical Covenant Church of America, 5101 North Francisco Avenue, Chicago, IL 60625.	Mr. David Noreen, Chairman, Christian Education Department.
Executive Council of the Episcopal Church, 815 Second Avenue, New York, NY 10017.	Executive Council Employment: Miss Barbara Quinn, Personnel Officer. Executive Council Project Employment: Reverend Robert S. Martin, Jr., Program Officer.
Mennonite Central Committee, 21 South 12th Street, Akron, PA 17501.	Mr. Walton H. Hackman, Executive Secretary, Peace Section.
Synagogue Council of America, 420 Riverside Drive, New York, NY 10025.	Rabbi Isador B. Hoffman, Coordinator, Alternate Service Program.
The Church Army in the USA, 815 Second Avenue, New York, NY 10017.	Sister Anne Albert, Coordinator, Volunteer Corps.

d. When a 1–W registrant is employed by an organization or agency with blanket placement authority, the State director of the State in which the registrant is employed will serve in the same capacity and have the same responsibilities for the administrative control of the registrant as he would have for any other 1–W registrant employed in his State.

e. An organization or agency with blanket placement authority for initial placement will also have the authority to transfer a registrant to another acceptable job within the organization without prior approval from any State director.

f. The organizations in this program will be responsible for advising the State director who has custody of the registrant's selective service file, of placements, transfers, terminations, and other pertinent information relative to the registrant's assignment. If a job transfer within the organization is to another State, the State director, who has the registrant's selective service file will forward it to the State director where the new employment is located. The new State director shall have custody of the registrant's file and responsibility for the supervision of the 1–W registrant's employment.

g. When an organization or agency ceases to be a participant in the blanket placement program, all State directors will be informed by the Director.

SEC. 660.8 *Eligible jobs for registrants performing alternate service.* 1. Five elements which will be considered as the basis for determining whether a specific job is appropriate for the assignment of conscientious objectors are listed below. Elements (1) and (2) are mandatory, and will not be waived. Elements (3) and (4), and (5) may be waived by the State director when such action is deemed to be in the national interest and will speed the placement of the registrant in alternate service.

a. *National health, safety, or interest.* The job must contribute to the maintenance of the national health, safety, or interest. Types of activities which provide jobs which would meet this requirement are shown in paragraph 1 of section 660.7.

b. *Noninterference with the competitive labor market.* This means that the registrant cannot be assigned to a job for which there are more qualified applicants not in Class 1–O than job spaces available. This restriction does not prohibit the approval of such programs as the Peace Corps and VISTA.

c. *Compensation.* The compensation will be adequate to provide a standard of living reasonably comparable to the standard of living the same man would have enjoyed had he entered the Armed Forces of the United States.

d. *Skill and talent utilization.* The special skills of the registrant may be utilized whenever possible.

e. *Job location.* A registrant will work outside his community of residence.

2. *Examples.* a. Phil Porter is a lawyer who requests approval to work as a public defender, financed by a nonprofit group and located in a very remote area. There are no present job applicants, even though the pay is much higher than that outlined in section 660.8(c). The pay provision can be waived in this instance at the discretion of the State director. Phil could then be placed.

b. Ed Withers dropped out of college after 3 years. He describes his skill as "psychology major." Neither Ed nor the State director are able to locate a job utilizing this skill. The State director learns of a need for hospital orderlies at an urban hospital in Ed's community of residence. By waiving both 660.7 (d) and (e) the State director may assign Ed to that hospital.

SEC. 660.9 *Assigning alternate service.* 1. Each registrant in Class 1–O is informed by the instructions on the SSS Form 153 that he should return the SSS Form 152 to the State director within 15 days. These instructions also inform the registrant of his rights and obligations under the alternate service work program.

2. When the registrant submits an SSS Form 156 to the State director of the State in which he is registered, that State director will determine whether the proposed assignment is acceptable. Any time the State director disapproves a job proposed on SSS Form 156, or letter submitted by the employer, he will inform the registrant, in writing, of his decision within 15 days of the date of receipt of the SSS Form 156 or letter. A registrant who within 60 days from the date of issuance of his SSS Form 153 submits to the State director a job(s), but such job(s) is not approved by his State director, may request, in writing, within 10 days of the date the State director mailed the letter disapproving the job, that the State director's decision(s) be reviewed by the Director. The State director will request the local board to issue the SSS Form 153A, and instruct the local board as to the postponed reporting date, if necessary. If a postponement of the reporting date is granted, no further action shall be taken until the Director's determination. The registrant's request, and the registrant has been informed by national headquarters, in writing, of the Director's determination. The registrant's request for review will be considered by the Director one time only following his initial order to alternate service. However, the registrant may request a review of as many as three such adverse decisions on jobs in this one review.

3. When a proposed job is approved or when a registrant fails to propose an approvable job within 60 days from the date of issuance of his SSS Form 153, the State director will return the registrant's file to the local board and direct the local board to issue an SSS Form 153A. The State director will instruct the local board as to the employer and date of assignment which should be entered on SSS Form 153A. The date set for the registrant to report for alternate service work assignment shall be at least 10 days from the date of issuance or mailing of his SSS Form 153A. A copy of the SSS Form 153A will be placed in the registrant's file folder and an entry as to the date of issuance or mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101. When the completed SSS Form 153A showing the registrant has entered employment, is received by the local board, the registrant's classification shall be reopened at the next local board meeting, and he shall be classified in Class 1–W. After the registrant is classified in Class 1–W the classification shall be entered on page 8 of the SSS Form 100 or page 2 of the SSS Form 101 and on the SSS Form 102. The local board shall then forward the registrant's file to the State director having jurisdiction over the local board.

4. Any reason for granting a postponement of an induction reporting date to a 1–A or 1–A–O registrant is sufficient reason for granting a postponement of the reporting date of a 1–O registrant for alternate service. (Reference: section 3 of Chapter 632, RPM.)

5. In the event the registrant desires to begin employment prior to the date specified on his SSS Form 153 or sooner than the date designated in an SSS Form 153A, he may do so by filing a waiver in writing from the State director. A sample of a waiver request is shown as Attachment 660–1. The signed written waiver will be placed in his file folder.

6. A registrant classified in Class 1–O may take a job anticipating that it might later be approved as alternate service. If such job is approved, the registrant will be given credit from the date he actually began working at that job or from the date he was classified in Class 1–O, whichever is later. No more than 24 months alternate service will be required of any registrant. Time spent looking for an initial job will not be credited toward the 24 months of service.

7. When the registrant is employed in a State other than that in which he is registered, his complete selective service file will be forwarded by the State director having jurisdiction over his local board to the State director where he is employed. If the registrant is transferred to a job in another State, the State director who has custody of the selective service file upon notification of the transfer will forward it to the State director of the State where the new employment is located. Alternate service to be performed outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the

Canal Zone will be administered by the Director of Selective Service.

8. A registrant in Class 1–W, employed in an approved job, may make a written request to the State director of the State in which he is employed to transfer him to a new job. The request must be made while the registrant is employed in an approved job, and the registrant must remain on that job until the transfer is accomplished, or he will lose alternate service credit for the period in which he is not working on an approved job. The registrant must, at the time of the request, offer an alternative job to the State director of the State in which he is employed for approval as alternate service. If the new job is approved, the State director having jurisdiction over the registrant's local board, without returning the file to the local board, shall direct the local board to issue an SSS Form 153A ordering him to the new job. If the State director of the State in which the registrant is employed does not have jurisdiction over the registrant's local board he shall request the State director having jurisdiction to request the registrant's local board to issue the SSS Form 153A. A copy of the SSS Form 153A shall be placed in the registrant's file and the date of issuance entered on page 2 of the SSS Form 101 or page 8 of the SSS Form 101.

9. If the State Director of the State in which the registrant is employed determines at any time that the registrant's original job ceases to be acceptable alternate service, and the registrant is registered in that State, the State Director shall request the local board to issue another SSS Form 153A reassigning the registrant to an approved alternate service assignment. In the event the registrant is not registered in that State, the State Director will request the State Director having jurisdiction over the registrant's local board to initiate the necessary action to issue another SSS Form 153A. A copy of the SSS Form 153A shall be placed in the registrant's file folder and the date of issuance entered on page 2 of the SSS Form 101 or page 8 of the SSS Form 100.

10. The Director of Selective Service or a State Director will issue travel orders, tickets, or transportation requests and meal and lodging requests to the registrant, or reimburse him under applicable rules and directives, upon his request for travel required of him under the provisions of this chapter. This travel for which the registrant may be authorized will be limited to travel from the office of his own local board, or the local board nearest his place of residence as established by the registrant prior to the issuance of the SSS Forms 153 and 153A, to the location of the place of reporting within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone. Such travel authorization will also apply, upon his request, to his return travel from his job assignment to the place from which his initial travel commenced, upon his satisfactory completion of his period of alternate service; and for his travel from one place of employment to another when his employment is transferred under the provisions of section 660.8, paragraphs (9) and (10), or section 660.11, paragraph 3 of this chapter.

11. When the registrant has completed his period of obligated alternate service, or is sooner released, his complete selective service file will be returned to the registrant's local board of record through the State Director within whose jurisdiction he is registered.

SEC. 660.10 *Performance of alternate service.* Any registrant who knowingly fails or neglects to perform satisfactorily his assigned alternate service, or whose service is unsatisfactory because of his failure to comply with reasonable requirements of an employer, shall be deemed to have knowingly failed or neglected to perform a duty required of him under the Military Selective Service Act. The registrant shall be deemed to have failed to perform satisfactorily if he did not meet the standards of performance, conduct, or appearance demanded by the employer of his other employees in similar jobs.

SEC. 660.11 *Failure to enter upon or complete alternate service.* 1. Whenever a registrant is refused employment by an employer who had previously agreed to hire him, or a registrant's employment is terminated, or he quits his job, the State Director of the State in which the registrant is employed will review the circumstances involved to determine whether the registrant has failed to perform his work satisfactorily or to conduct himself satisfactorily.

2. Whenever the State Director of the State in which the registrant is employed has reason to believe that a registrant refused his employment, or constructively refused employment by his manner, demeanor, appearance, or attitude, or was relieved for cause or left his job unjustifiably he will conduct an investigation which will include the following steps: (1) Obtain a statement from the former employer describing the circumstances, (2) forward such statement to the registrant for review, (3) obtain a statement from the registrant in his own defense if he wishes to make it, and (4) compile any other evidence which he thinks is relevant. He will then determine whether the termination was or was not due to the fault of the registrant. If he determines that it was due to the fault of the registrant, he may report the registrant for prosecution in accord with Chapter 642, RPM.

3. If the State Director of the State in which the registrant is employed finds that the termination was not due to the fault of the registrant and the State Director has jurisdiction over the registrant's local board, he shall direct the local board to issue an SSS Form 153A ordering the registrant to a new alternate service assignment. If the registrant complies with the SSS Form 153A, the intervening time between jobs will not constitute a break in the required period of alternate service. In the event the registrant is employed in a State other than that in which he is registered, the State Director shall request the State Director of the State in which the registrant is registered to initiate the necessary action for the registrant's local board to issue an SSS Form 153A.

SEC. 660.12 *Release from alternate service.* 1. The State Director of the State in which a registrant is assigned, or the Director, when the registrant is under his jurisdiction, will release the registrant upon completion of 24 months of satisfactory alternate service.

2. The State Director of the State in which the registrant is assigned, or the Director, may release a registrant prior to the completion of 24 months of satisfactory alternate service upon a determination of hardship, medical disqualification, or other bona fide basis for such early release. A 1–W registrant may be considered for early release, not to exceed 90 days, if evidence is presented that he is returning to school prior to completing 24 months of alternate service and that he has been accepted by such school. Further, a 1–W registrant may be considered for early release, not to exceed 90 days, upon submission of evidence that he has been accepted for employment and such employment will not be available if he remains in alternate service for 24 months. If the registrant is working outside the State in which he is registered, the decision as to early release will be made in consultation with the State Director of the State in which the registrant is registered.

3. When the registrant is employed in alternate service outside the State in which he is registered, the State Director of the State in which the registrant is employed, or the Director in the case of registrants employed outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone, will upon completion of the registrant's term of service or approved early release, forward the registrant's complete selective service file to the State Director of the State in which the registrant is registered. The file will be accompanied by a letter approving the registrant's release and will cite the reasons for release and the date of such release. When the file and letter approving the release are received by the State Director of the State in which the registrant is registered, he will forward them to the registrant's local board with a letter authorizing the issuance of Certificate of Release from Alternate Service (SSS Form 154) by the local board. A copy of SSS Form 154 will be placed in the registrant's file folder and an entry as to the date of mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

4. When the registrant is employed in alternate service in the State in which he is registered, that State Director will, upon completion of the registrant's term of service or approved early release, forward the registrant's complete selective service file to his local board, together with a letter authorizing his release and citing the reason for release and the date of such release. Upon receipt of this letter of authorization and the file, the local board will issue an SSS Form 154. A copy of the SSS Form 154 will be placed in the registrant's file folder and an entry as to the date of mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

5. If a registrant is released by the Director or State Director prior to the completion of 6 months of alternate service, his classification shall be reopened by his local board, and he shall be classified in the lowest class for which he qualifies. If the registrant has completed 6 months or more of satisfactory alternate service, he shall be processed in accordance with section 660.13 of this chapter.

SEC. 660.13 *Completion of alternate service.* A registrant who completes his 24 months of obligated alternate service in lieu of induction or is sooner released as provided for in section 660.12, paragraph 2, by the Director or State Director after 6 months or more of appropriate work, shall be classified in Class 4–W.

Local Board Stamp

Date_____

I desire to begin my alternate service work in lieu of induction:

(Check one)

☐ Prior to expiration of 70 days from the date specified on the Order to Report for Alternate Service (SSS Form 153) issued to me by my local board.

☐ Prior to the reporting date designated on Amendment to Order to Report for Alternate Service and Statement of Employer (SSS Form 153A) issued to me.

☐ I desire to begin work on _____ or as soon thereafter as possible.

Signed _____
SS No. _____
RSN _____

(Reference paragraph 4a of section 660.1 and paragraph 5 of section 660.9.)

[Temporary Instruction 608–1]

INFORMATION BOOKLET "WHAT HAPPENS NEXT"

The booklet "What Happens Next" is being distributed to all local boards. This booklet was designed to fit into a white mailing envelope, and local boards are requested to enclose a copy of the booklet when mailing an SSS Form 110 to a registrant.

Before mailing the booklet, the item on the introduction page which pertains to the registrant should be checked in the box provided.

This temporary instruction will terminate on January 31, 1973.

Issued: December 5, 1972.

[Temporary Instruction 613–1]

DISCONTINUANCE OF USE OF REGISTRATION QUESTIONNAIRE (SSS FORM 100)

Effective upon receipt of this temporary instruction, the issuance or mailing of the SSS Form 100 will be discontinued. Registration will continue to be accomplished by use of the Registration Card (SSS Form 1).

When an administrative processing number (APN) is announced, registrants with RSN's equal to or below the APN will be mailed a Current Information Questionnaire (SSS Form 127), which will serve as the basic questionnaire for classification purposes.

This temporary instruction will terminate upon publication of revised Chapter 613 of the RPM.

Issued: December 4, 1972.

[Temporary Instruction 628–5]

ARMED FORCES EXAMINATION

Until further notice, only the following registrants will be forwarded for Armed Forces Examination:

1. Registrants in the 1972 First Priority Selection Group—RSN 001 through 095.

2. Registrants who enter the Extended Priority Selection Group from the 1972 First Priority Selection Group—RSN 001 through 095.

3. Registrants born in 1953—RSN 001 through 070, who are expected to enter, or who enter, the 1973 First Priority Selection Group.

4. Registrants born in years prior to 1953, who enter the 1973 First Priority Selection Group—RSN 001 through 070.

Temporary Instruction No. 628–4, issued August 30, 1972, is rescinded.

This temporary instruction will terminate on June 30, 1973.

Issued: December 4, 1972.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 5, 1972.

[FR Doc.72–21138 Filed 12–7–72;8:55 am]

TARIFF COMMISSION

[AA1921–111]

ROLLER CHAIN FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on November 30, 1972, that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigation No. AA1921–111 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 23, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, January 18, 1973.

Issued: December 5, 1972.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72–21171 Filed 12–7–72;8:56 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONSTRUCTION SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

Notice is hereby given that the Construction Safety Advisory Committee established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet at 9 a.m. on Thursday, December 14, 1972, in Room 102 A, B, and C of the Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Committee will receive and consider a proposed standard from the Subcommittee on Shafts and Tunnels concerning the use of personnel hoists in underground shafts. The Committee will also receive and consider a proposal from the Occupational Safety and Health Administration that the requirement in 29 CFR 1926.153(a)(1), that LP gas systems have equipment of an approved type, be suspended for 1 year and that a similar requirement of approval be added to the standard in 29 CFR 1926.154(e) which deals with oil-fired heaters.

The meeting shall be open to the public.

Signed at Washington, D.C., this 6th day of December 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–21259 Filed 12–7–72;9:33 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Ambler Nursing Home, Inc., nursing home; Bethlehem and Butler Pike, Ambler, Pa.; 8–31–73.

Ann & Hope Factory Outlet, Inc., variety-department stores, 9–17–73; Mill Street, Cumberland, R.I.; 1689 Post Road, Warwick, RI.

Byrd Food Center, Inc., Foodstore; Haw River, N.C.; 9–13–73.

The Canopy, restaurant; 211 Fifth Avenue, McKeesport, PA; 9–14–73.

Cat & Fiddle Super Market, Inc., foodstores; 9–2–73; Riverside Drive, Danville, Va.; 714 South Main Street, Danville, VA.

Community Food Store, foodstore; Summerfield, N.C.; 9–7–73.

Cooper and Ratcliff, Inc., foodstores; 8–31–73; Bassett, Va.; Collinsville, Va.; Martinsville, Va.

J. W. Cowan, Inc., foodstore; Tryon, N.C.; 9–4–73.

Crest Cut Rate, Inc., variety-department store; 4500 Broadhead Road, Aliquippa, PA; 8–31–73.

Dairy Dell, restaurants; 9–19–73; East Penn Avenue, Bedford, Pa.; 2307 Menoher Boulevard, Johnstown, PA.

Dick Millett's Market, foodstore; 820 North 700 East, Provo, UT; 9–9–73.

Don's Thriftway, foodstores; 8–22–73; Levy Shopping Center, North Little Rock, Ark.; North Hills Shopping Center, North Little Rock, Ark.

Dorothy's, Inc., apparel store; 108 East Kemp, Watertown, SD; 8–31–73.

Eagle Stores Co., Inc., variety-department store; 1–11 West Main Street, Martinsville, VA.

Edward's Inc., variety-department stores; 9–7–73; Mitchell Shopping Center, Aiken, S.C.; 917 Bay Street, Beauford, SC; St. Andrew's Shopping Center, Charleston, S.C.; 517 King Street, Charleston, SC; Pinehaven Shopping Center, Charleston, S.C.; 2018 Reynolds Avenue, Charleston Heights, SC; 324–6 Laurel Street, Conway, SC; Hampton Place Shopping Center, Greenwood, S.C.; 819 Kings Highway Extension, Myrtle Beach, SC; 159 Broughton Street NW., Orangeburg, SC; 10–18 North Main Street, Sumter, SC; 201 Wichman Street, Walterboro, SC.

Garrison Memorial Hospital; hospital; Garrison, N.D.; 9–3–73.

Gee Bee, variety-department stores; 8–21–72 to 3–20–73; Route 30, Greensburg, Pa.; Route 56, Johnstown, Pa.; Route 19, Washington, Pa.

Mrs. Gertrude Nauman; agriculture; 411 Bergner Building, Harrisburg, Pa.; 8–20–73.

Glosser Brothers, Inc., variety-department store; Johnstown, Pa.; 9–15–73.

Good Samaritan Hospital, hospital; East Norwegian and Tremont Street, Pottsville, Pa.; 9–4–73.

W. T. Grant Co., variety-department stores, 9–2–73; except as otherwise indicated: No. 559, Mableton, Ga. (9–13–73); No. 1113, Rockland, Maine; No. 1082, Baltimore, Md.; No. 770, Altoona, Pa.; No. 751, Broomall, Pa. (8–20–73); No. 1143, Folcroft, Pa.; No. 1077, Newton Square, Pa.; No. 399, Philadelphia, Pa.; No. 555, Phoenixville, Pa. (9–14–73); No. 1071, Southampton, Pa. (9–14–73); No. 589, Newport, Vt.; No. 241, St. Johnsbury, Vt.

R. Guinan and Co., variety-department store; 117 South Oak Street, Mount Carmel, Pa.; 9–2–73.

Howdy Beefburger, restaurant; 329 Main Street, Bangor, Maine; 7–17–73.

Karson's Inn, Inc., restaurant; 5100 Holabird Avenue, Baltimore, Md.; 9–13–73.

S. S. Kresge Co., variety-department stores; 9–2–73, except as otherwise indicated: No. 4044, Savannah, Ga. (9–18–73); No. 4022, Grand Forks, N. Dak.; No. 4544, Minot, N. Dak.; No. 639, Baden, Pa.; No. 378, Oil City, Pa. (9–15–73); No. 675, Pittsburgh, Pa. (9–4–73); No. 18, Reading, Pa. (9–9–73); No. 425, Bluefield, W. Va. (8–31–73); No. 391, Charleston, W. Va. (8–31–73).

Larson's Big Star, foodstores; 9–17–73; No. 60, Oxford, Miss.; No. 114, Water Valley, Miss.

Lerner Shops, apparel store; No. 195, Mobile, Ala.; 8–23–73.

McCrory-McLellan-Green Stores, variety-department stores; 9–2–73, except as otherwise indicated: No. 239, Fort Smith, Ark. (9–10–73); No. 509, Little Rock, Ark. (8–25–73); No. 287, Clearwater, Fla.; No. 1003, Coral Gables, Fla.; No. 112, Deland, Fla.; No. 270, Fort Lauderdale, Fla.; Nos. 130 and 342, Fort Myers, Fla.; No. 245, Homestead, Fla.; No. 95, Jacksonville, Fla.; No. 173, Kissimmee, Fla.; No. 157, Lake City, Fla.; No. 1313, Lake Wales, Fla.; No. 259, Leesburg, Fla. (9–7–73); No. 347, Leesburg, Fla.; No. 74, Miami, Fla.; No. 344, Mount Dora, Fla.; No. 57, Ocala, Fla.; No. 61, Orlando, Fla.; No. 81, Palatka, Fla.; No. 150, Plant City, Fla.; No. 324, St. Petersburg, Fla.; No. 69, Sanford, Fla.; No. 111, Tallahassee, Fla.; No. 329, Titusville, Fla. (9–17–73); No. 71, West Palm Beach, Fla.; No. 191, Atlanta, Ga.; No. 1113, Augusta, Ga.; No. 1107, Columbus, Ga.; No. 1219, Columbus, Ga. (9–4–73); No. 428, Dalton, Ga. (9–18–73); No. 327, East Point, Ga.; No. 412, Gainesville, Ga.; No. 433, Griffin, Ga.; No. 1121, Macon, Ga. (9–8–73); No. 435, Marietta, Ga.; No. 176, Savannah, Ga.; No. 1305, Savannah, Ga. (9–18–73); No. 424, Thomasville, Ga.; No. 303, Waycross, Ga.; No. 1312, New Orleans, La. (9–10–73); No. 234, Baltimore, Md. (9–4–73); No. 314, Baltimore, Md. (9–4–73); No. 1202, Baltimore, Md. (9–15–73); No. 21, Cumberland, Md. (9–4–73); No. 68, Easton, Md. (9–4–73); No. 46, Frederick, Md. (9–6–73); No. 31, Hagerstown, Md. (9–4–73); No. 346, La Vale, Md. (9–6–73); No. 646, Pascagoula, Miss. (8–26–73); No. 700, Albemarle, N.C.; No. 406, Concord, N.C.; No. 479, Goldsboro, N.C.; No. 1140, Kinston, N.C.; No. 427, Lexington, N.C.; No. 699, New Bern, N.C.; No. 1141, Reidsville, N.C.; No. 410, Wilson, N.C. (9–7–72 to 9–4–73); No. 1127, Winston-Salem, N.C.; No. 9, Altoona, Pa. (9–4–73); No. 151, Barnesboro, Pa. (9–8–73); No. 90, Bristol, Pa. (9–19–73); No. 155, Canonsburg, Pa. (9–4–73); No. 28, Chester, Pa. (9–4–73); No. 220, Connellsville, Pa. (9–4–73); No. 87, Dubois, Pa. (9–4–73); No. 316, Edwardsville, Pa. (9–6–73); No. 325, Fairless Hills, Pa. (9–14–73); No. 39, Hanover, Pa. (9–6–73); No. 323, Hazleton, Pa. (9–6–73); No. 51, Indiana, Pa. (9–4–73); No. 80, Lancaster, Pa. (9–4–73); No. 1066, Lancaster, Pa. (9–11–73); No. 42, Lebanon, Pa. (9–4–73); No. 1046, Lebanon, Pa. (9–6–73); No. 273, Lewistown, Pa. (9–4–73); No. 1029, McKeesport, Pa. (9–6–73); No. 326, North York, Pa. (9–10–73); No. 201, Philadelphia, Pa. (9–13–73); No. 1012, Philadelphia, Pa. (9–6–73); No. 1052, Philadelphia, Pa. (9–13–73); No. 104, Phillipsburg, Pa. (9–4–73); No. 53, Pittsburgh, Pa. (9–4–73); No. 1037, Pottsville, Pa. (9–6–73); No. 14, York, Pa. (9–4–73); No. 254, York, Pa. (8–21–73); No. 164, Aiken, S.C.; No. 1103, Charleston, S.C.; No. 161, Chester, S.C. (9–17–73); No. 1104, Columbia, S.C.; No. 1108, Greenville, S.C.; No. 1136, Spartanburg, S.C.; No. 415, Sumter, S.C.; No. 1117, Alexandria, Va. (8–31–73); No. 309, Arlington, Va. (9–4–73); No. 296, Front Royal, Va. (9–4–73); No. 142, Harrisonburg, Va. (9–4–73); No. 505, Roanoke, Va. (8–31–73); No. 47, Winchester, Va. (8–31–73); No. 13, Charleston, W. Va. (9–19–73); No. 1133, Charleston, W. Va. (8–31–73); No. 214, Clarksburg, W. Va. (9–13–73); No. 32, Fairmont, W. Va. (8–31–73); No. 40, Grafton, W. Va. (9–4–73); No. 15, Huntington, W. Va. (9–7–73); No. 1131, Huntington, W. Va. (9–4–73); No. 83, Martinsburg, W. Va. (9–15–73); No. 33, Morgantown, W. Va. (9–4–73); No. 341, Moundsville, W. Va. (9–4–73).

McDonald's Hamburgers, restaurant; 2529 Elm Street, Erie, PA; 8–20–73.

Morgan & Lindsey, Inc., variety-department store; No. 3019, Ruston, La.; 8–27–73.

G. C. Murphy Co., variety-department stores, 9–2–73; except as otherwise indicated: No. 149, Annapolis, Md.; Nos. 91, 138, 147, 148, 151, 152, 153, 224, 285, Baltimore, Md.; Nos. 134, 238, and 267, Baltimore, Md. (9–11–73); No. 179, Cumberland, Md.; No. 268, Glen Burnie, Md. (9–11–73); No. 301, Glen Burnie, Md.; No. 273, Hyattsville, Md; No. 236, Indian Head, Md.; No. 309, Oxon Hill, Md. (9–11–73); Nos. 248 and 266, Rockville, Md.; No. 242, Suitland, Md.; No. 95, Westminster, Md.; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 271, Bethlehem, Pa. (9–11–73); No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 302, Carlisle, Pa.; No. 54, Carnegie, Pa.; No. 11, Charleroi, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa.; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; Nos. 175 and 225, Erie, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3, Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeannette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; Nos. 1 and 280, McKeesport, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 108, Mercer, Pa. (9–12–73); No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 233, Natrona Heights, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; Nos. 229 and 246, Philadelphia, Pa.; Nos. 12, 57, 83, 163, 170, 221, 237, 258, and 293, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 85, St. Mary's, Pa.; No. 128, Sharon, Pa.; No. 118, Shippensburg, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 8, Washington, Pa. (8–25–73); No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 227, Willow Grove, Pa.; No. 94, York, Pa. (8–21–73); No. 205, York, Pa.; No. 319, Richmond, Va. (8–25–73); No. 209, East Rainelle, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 194, Logan, W. Va.; No. 185, Philippi, W. Va.; No. 180, Richwood, W. Va.; No. 19, Sisterville, W. Va.; No. 133, Welch, W. Va.; No. 13, Wellsburgh, W. Va.

J. J. Newberry Co., variety-department stores; 9–2–73; except as otherwise indicated: No. 351, Norway, Maine; No. 154, Elkton, Md.; No. 31, Hagerstown, Md.; No. 204, Berwick, Pa.; No. 9, Chambersburg, Pa.; 304 Market Street, Lewisburg, Pa.; No. 129, Milton, Pa.; No. 5, Shamokin, Pa. (9–10–73); No. 90, Sunbury, Pa.; 37–41 Washington Street, West Warwick, RI (9–7–73); 125–127 East Main Street, Front Royal, VA (8–31–73); 404 West Main Street, Waynesboro, VA (8–31–73).

Piggly Wiggly, foodstores; 9–11–73, except as otherwise indicated: New Hope, Ala. (9–13–73); No. 11, Phenix City, Ala. (8–31–73); Nos. 1, 2, 4, and 6, Fort Smith, Ark.; Candor, N.C. (8–18–73); No. 27, Holly Hill, S.C. (9–17–73).

Pleezing Food Store, Inc., foodstore; No. 3, Milton, Fla.; 9–13–73.

Rayless Department Store, variety-department stores; 908–912 Main Street, Lynchburg, VA; 8–31–73; 312–320 East Broad Street, Richmond, VA; 8–31–73; 307 Main Street, South Boston, VA; 9–2–73.

Rose's Stores, Inc., variety-department stores; 9–2–73, except as otherwise indicated: No. 178, Alexander City, Ala. (9–8–73); No. 138, Anniston, Ala. (8–27–73); No. 80 Milledgeville, Ga.; No. 164, Valdosta, Ga.; No. 102, Warner Robins, Ga.; No. 35, Asheboro, N.C.; No. 145, Asheville, N.C.; No. 43, Clinton, N.C.; No. 24, Edenton, N.C.; No. 185, Elizabeth City,

N.C.; No. 108, Elkin, N.C.; No. 132, Greensboro, N.C.; No. 1, Henderson, N.C.; No. 96, High Point, N.C.; No. 50, Kinston, N.C.; No. 13, Mebane, N.C.; No. 68, Mount Airy, N.C.; No. 90, Mount Olive, N.C.; No. 81, Plymouth, N.C.; No. 21, Roanoke, Rapids, N.C.; No. 78, Rocky Mount, N.C.; No. 4, Roxboro, N.C.; No. 32, Sanford, N.C.; No. 149, Tarboro, N.C.; No. 30, Thomasville, N.C.; No. 39, Williamston, N.C.; No. 159, Wilson, N.C.; No. 150, Columbia, S.C.; No. 161, Florence, S.C.; No. 42, Hartsville, S.C.; No. 48, Newberry, S.C.; No. 67, North Augusta, S.C.; No. 87, Chase City, Va. (9-10-73); No. 7, Franklin, Va.; No. 129, Norfolk, Va. (9-12-73); No. 142, Norfolk, Va.

Speckarts Fine Foods, foodstore; 69 North First East, Provo, UT; 8-25-73.

T. G. & Y. Stores Co., variety-department stores; No. 1600, Monroeville, Ala., 9-16-73; No. 248, Pinebluff, Ark.; 9-1-73.

Tomlinson Stores, Inc., variety-department store; Main Street, Hemingway, S.C.; 9-14-73.

Ward Bros., Inc., apparel store; 72 Lisbon Street, Lewiston, ME; 9-2-73.

Wheatridge Ranch Market, foodstore; Wheatridge, CO; 9-7-73.

The following certificate issued to an establishment permitted to rely on the base-year employment experience of others was either the first full-time student certificate issued to the establishment, or provide standards different from those previously authorized. The certificate permits the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the occupations listed, and provided for the indicated monthly limitations on the percentage of full-time students hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bullock's Drug Store, drugstore; 50 Euclid Avenue, Bristol, Va.; salesclerks, fountain clerks; 25 percent; 9-11-73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 1st day of December 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-21137 Filed 12-7-72;8:55 am]

INTERSTATE COMMERCE COMMISSION

[Notice 132]

ASSIGNMENT OF HEARINGS

DECEMBER 5, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 107107 Sub 423, Alterman Transport Lines, Inc., now assigned January 8, 1973, and MC 136155 Sub 2, Gay Trucking Co., Inc., now assigned January 10, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 61592 Sub 279, Jenkins Truck Line, Inc., now being assigned hearing January 30, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11599, Helms Motor Express, Inc.—Purchase—Fox Transfer Co., now being assigned hearing February 5, 1973 (3 days), at Charlotte, N.C., in a hearing room to be later designated.

MC 72806 Sub 7, Red-Yellow Cab Co., doing business as Buckeye Stages, application dismissed.

MC 98964 Sub 10, Palmer Brothers, Inc., now assigned January 15, 1973, will be held at the Travel Lodge, 161 West Sixth South Street, Salt Lake City, UT.

MC-F-11605, Evergreen Stage Line, Inc.—Purchase (portion)—Greyhound Lines, Inc., now assigned January 22, 1973, at Portland, Oreg., is postponed indefinitely.

MC 102616 Sub 869, Coastal Tank Lines, Inc., now being assigned hearing January 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 4405 Sub 494, Dealers Transit, Inc., now being assigned hearing February 13, 1973, along with MC 83539 Sub 353, C & H Transportation Co., Inc., at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114211 Sub 169, Warren Transport, Inc., MC 119641 Sub 105, Ringle Express, Inc., and MC 123048 Sub 215, Diamond Transportation System, Inc., now being assigned hearing February 20, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123255 Sub 18, B & L Motor Freight, Inc., now assigned January 30, 1973, at Chicago, Ill., is canceled and transferred to modified procedure.

MC-F-11502, Holmes Freight Lines, Inc.—Control—Byers Transportation Co., Inc., and Commercial Freight Lines, Inc., now assigned January 31, 1973, at Kansas City, Mo., hearing is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-21130 Filed 12-7-72;8:53 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 5, 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. 42581—*Newsprint paper to Milwaukee, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3828), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Trois Rivieres, Quebec, Canada, to Milwaukee, Wis.

Grounds for relief—Water competition.

Tariff—Supplement 53 to Canadian Freight Association tariff ICC 341. Rates are published to become effective on January 6, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-21129 Filed 12-7-72;8:53 am]

[Rev. S.O. 994; ICC Order 78]

LONG ISLAND RAIL ROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Long Island Rail Road Co. is unable to transport traffic over its lines because of a strike of certain of its employees.

It is ordered, That:

(a) The Long Island Rail Road Co., being unable to transport traffic over its lines because of a strike of certain of its employees, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements

now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., November 30, 1972.

(g) Expiration date: This order shall expire at 11:59 p.m., December 8, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 30, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-21128 Filed 12-7-72;8:53 am]

[Notice 177]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73983. By order of November 30, 1972, the Motor Carrier Board approved the transfer to R. L. Ramsey, Inc., Hobart, Ind., of the operating rights in permit No. MC-119591 issued October 20, 1960, to Robert L. Ramsey, Hobart, Ind., authorizing the transportation of gasoline, kerosene, and No. 1 and No. 2 fuel oils, in bulk, in tank vehicles, from Griffith, Ind., to the bulk plantsites of the Lansing Oil Co., Lansing, Ill., restricted to a transportation service to be performed, under a contract with Lansing Oil Co., of Lansing, Ill. Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-74031. By order of November 17, 1972, the Motor Carrier Board approved the transfer to Valley Transfer, Inc., Lenoir, N.C., of certificate of registration No. MC-98285 (Sub No. 2) issued to Yount Transfer, Inc., Hickory, N.C., evidencing a right to engage in interstate or foreign commerce, transporting: General commodities, with certain exceptions, between specified points and areas solely within North Carolina. A. W. Flynn, Jr., attorney, 1006 Wachovia Building, Greensboro, N.C. 27402.

No. MC-FC-74047. By order of November 17, 1972, the Motor Carrier Board approved the transfer to John Peterson, doing business as Plaza Trucking Co., East Paterson, N.J., of the operating rights in certificates No. MC-124175 (Sub-No. 1) and MC-124175 (Sub-No. 3) issued December 10, 1962, and August 9, 1968, respectively, to Albert De Lotto and John Peterson, doing business as Plaza Trucking Co., East Paterson, N.J., authorizing the transportation of various commodities between New York, N.Y., and its commercial zone, on the one hand, and, on the other, the plantsite of the Garcia Corp. in Teaneck, N.J. George A. Olsen, 69 Tonnelle Avenue, Jersey City, NJ 07306, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-21131 Filed 12-7-72;8:53 am]

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FRIDAY, DECEMBER 8, 1972

Volume 37 ■ Number 237

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor 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 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. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138) 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 and 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 effective 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.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date 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.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and 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 (37 F.R. 21138), 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 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.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following:

New Area Wage Determination Decisions. Decisions Nos. AP–52 and AP–69—Illinois.

Modifications. Modifications to Area Wage Determination Decisions for specified localities in the States of Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Montana, New Mexico, Oklahoma, Texas, Virginia, Washington, and the District of Columbia which were published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–488	Aug. 20, 1971.
AM–6,704	Mar. 10, 1972.
AP–322	Sept. 15, 1972.
AP–14; AP–238; AP–239; AP–240.	Sept. 22, 1972.
AP–17; AP–18; AP–19; AP–20; AP–21; AP–22; AP–351.	Sept. 29, 1972.
AP–28; AP–29	Nov. 3, 1972.
AP–360; AP–361; AP–442; AP–443; AP–444.	Nov. 17, 1972.

Supersedeas Decisions. Supersedeas Decisions to Area Wage Determination Decisions for specified localities in the States of Arkansas, Florida, Illinois, Kansas, Louisiana, Missouri, Oklahoma, Texas, Utah, and Wisconsin which were published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–333(AP–51); AM–341 (AP–68).	Aug. 13, 1971.
AM–8,591(AP–70); AM–8,592 (AP–71); AM–8,593(AP–72); AM–8,594(AP–73); AM–8,595(AP–74); AM–8,596(AP–75).	Mar. 17, 1972.
AM–11,416(AP–365)	Apr. 28, 1972.
AM–8,632(AP–129)	June 30, 1972.
AP–302(AP–367); AP–303 (AP–366).	July 28, 1972.
AP–209(AP–254)	Aug. 4, 1972.
AP–316(AP–364)	Aug. 25, 1972.
AP–350(AP–368)	Sept. 29, 1972.
AP–514(AP–517); AP–515 (AP–516).	Nov. 17, 1972.

Supersedeas Decision numbers are in parentheses following the number of the decision being superseded.

Signed at Washington, D.C., this 1st day of December 1972.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Illinois COUNTY: Lake
DECISION NUMBER: AP-52 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.25	.40	.275			
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' Helpers	8.25	.50	.75	2%	.01	
Bricklayers & Stonemasons	8.90	.40	.60		.03	
Carpenters:						
Carpenters, Soft Floor Layers	8.30	.45	.625		.08	
Piledrivermen, Millwrights	8.30	.45	.625		.08	
Cement Masons:						
Building	8.15	.40	.45		.03	
Electricians:						
Electricians	9.00	.36	1%+.16			
Material Handlers	4.00	.36	1%+.16			
Elevator Constructors:						
Elevator Constructors	8.75	.195	.20	2%+a&b	.005	
Helpers	6.125	.195	.20	2%+a&b	.005	
Helpers' (Probationary)	50%JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers: Structural & Reinforcing	9.32	.69	.84		.05	
Ironworkers: Ornamental	9.375	.25	.325		.05	
Lathers	8.39	.41	.345			
Leadburners	6.90	.25		c	.01	
Line Construction:						
Linemen	8.10	.25	1%		½%	
Groundmen	5.30	.25	1%		½%	
Marble Setters	8.20	.30				
Marble Setters' Helpers	7.30					
Painters:						
Painters	7.75	.325	.20			
Sign & Pictorial	5.685	.20	.10	d&e		
Sign Helpers	4.935	.20	.10	d&e		
Pipefitters	9.00	.47	.50		.02	
Plasterers	8.255	.45	.45		.03	
Plumbers	8.72	.35	.35		.07	
Roofers:						
Composition & Waterproofers	9.10	.30	.15		.02	
Slate & Tile	8.72	.18	.15		.02	
Sheet Metal Workers	8.15	.35	.34		.01	
Sprinkler Fitters:						
Within 30 Mile Radius of Chicago City Hall	8.70	.16	.40		.09	
Remainder of County	8.75	.30	.50		.05	
Terrazzo Workers	7.50					
Terrazzo Workers' Helpers & Floor Mach.	6.85					
Tile Setters	8.15	.30-5/8	.42			
Tile Setters' Helpers	6.80	.30-5/8	.325			

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. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holiday.

d. One week paid vacation after 1 year employment; 2 weeks after 3 years; and 3 weeks after 10 years.

e. Holidays: A through F and the day after Thanksgiving, on-half day Christmas Eve & one-half day Good Friday.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
BUILDING:						
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	$6.50	.47	.65			
Firebrick & Boiler Setter Laborers	6.825	.47	.65			
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	6.95	.47	.65			
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	6.85	.47	.65			
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	6.60	.47	.65			
Windlass and Operator	6.80	.47	.65			
Plasters Laborers	6.625	.47	.65			
Jackhammer Men, Power Driven Concrete Saws	6.725	.47	.65			
Cement Gun Nozzle Laborers (Gunnite)	6.65	.47	.65			
STREET PAVING, GRADE SEPARATION, SEWERS & WATER MAIN EXTENSIONS						
General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.50	.47	.65			
Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	6.85	.47	.65			
Second Bottom Men	6.725	.47	.65			
Tampers, Smoothers & Cement Gun Laborers	6.575	.47	.65			
Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders	6.775	.47	.65			

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
CLASS I						
Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines	$9.55	.40	.50	.20	.02	
CLASS II						
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A"-frame	8.30	.40	.50	.20	.02	
CLASS III						
Air compressor - small 125 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 125, combination - small equipment opr., generators under & over 50KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	7.30	.40	.50	.20	.02	
CLASS IV						
Oilers	6.15	.40	.50	.20	.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$6.20	a12.00	a16.00			
4 axle trucks	6.35	a12.00	a16.00			
5 axle trucks	6.55	a12.00	a16.00			
6 axle trucks	6.75	a12.00	a16.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
Car & truck washers	6.05	a12.00	a16.00			
Dispatcher	6.30	a12.00	a16.00			
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
Master mechanic	6.75	a12.00	a16.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	6.35	a12.00	a16.00			
Over 16 cubic yards	6.55	a12.00	a16.00			
Mechanic	6.40	a12.00	a16.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

NEW DECISION

STATE: ILLINOIS COUNTY: WILL
DECISION NUMBER: AP-69 DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. T.	1/ Other
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
Bricklayers & Stonemasons	9.50	.30				
Carpenters:						
Carpenters & Soft Floor Layers	9.00	.25	.74			
Millwrights & Piledrivermen	9.00	.25	.74			
	6.20	.20	.45			
Cement Masons	8.90	.30	.25		.02	
Electricians	9.50	.25	1%+.20	3%	.1%	
Glaziers	7.65	.16	.25			
Ironworkers, Structural, Ornamental & Reinforcing	9.20	.81	.125		.02	
Lathers	5.50		.10			
Leadburners	6.90	.30		a	.01	
Line Construction:						
Linemen	9.50	.25	1%+.20	3%	.1%	
Cable Splicer	9.90	.25	1%+.20	3%	.1%	
Groundmen	8.50	.25	1%+.20	3%	.1%	
Painters:						
Residential & Commercial	8.00	.25	.15			
Bridges w/o a superstructure and Industrial work under 40'	8.50	.25	.15			
Bridges with a superstructure or lift type bridges & Industrial work over 40'	9.00	.25	.15			
Plumbers:						
Within the City Limits of Joliet	8.15	.27	.30		.05	
Remainder of County	9.27	.40	.30		.05	
Pipefitters:						
Within the City Limits of Joliet	8.15	.27	.30		.05	
Remainder of County	9.00	.47	.50		.02	
Plasterers	8.395	.40	.25		.045	
Roofers	6.53		.20	2%		
Sheet Metal Workers	6.99	.15	.15			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo Workers	7.50					
Terrazzo Workers' helpers & floor machine	6.85					
Base machine operator	7.10					
Tile Setters	8.15	.30-5/8	.42			
Tile Setters' helpers	6.80	.30-5/8	.325			

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. Eight paid holidays, A through F plus 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 work days immediately preceding and following the holiday.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more velow ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level, all laborers on swinging & suspended scaffolds, chimney * silo laborers working at a height of 48 to 100 ft. all tamping hammers over 150 lbs., all laborers working inside of the sphere or any type to make of tank at a height of 48 ft. to 110 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$7.00	.47	.65			
Chimney & silo laborers for every additional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						
All laborers working on swinging-suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$6.95	.47	.65			
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pump-crete pipe handlers	6.85	.47	.65			
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	7.25	.47	.65			
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.50	.47	.65			
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basis & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers aire-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, cahin & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap; electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except roaf form setting						

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LABORERS - Continued	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Steeting center strips, contraction & expansion joints (road work), unloading & handling therof of the following, brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers,for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type of amke of scaffolding one foot to 48 ft., all laborers working of rank-minimum rate, all alborers working inside a sphere or any type or amke of tank from bottom to a height of 48 ft.-minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete of asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic eletric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flag men on all const., work defined herein, cleaning of cebris, removal of trees, concrete curing, temporary concrete protection, regardless of amnner or materials used, truck helpers, wrecking & demolition laborers all landscaping, laying or sod, and planting of trees	$6.75	.47	.65			

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POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
CLASS I						
Asphalt plant, asphalt spreader, autograde, batch plant, benoto, (requires 2 engineers) boiler & throttle valve, caisson rigs, central redi-mix plant combination back hoe front endloader machine, compressor & throttle valve, concrete breaker (truck mounted) concrete conveyor, concrete paver over 27E cu. ft., Concrete paver 27E cu. ft. & under, concrete placer, conc-tower, cranes (all), cranes, hammerhead, derricks, (all), derricks travelling, grader, elevating Grouting machines, highlift shovels, or front endloader 2¼ yds., & over, hoists, 1, 2, & 3 drum, hoists 2 tugger 1 floor, hydraulic boom trucks locomotives (all), motor patrol, piledrivers & skid rig, post hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water) pump cretes, squeeze cretescrew type pumps, gypsum bulker & pump, rock drill (truck mounted) scoops, tractor boom & side boom, trenchines, mechanics	$9.05	.40	.50	.20	.02	
CLASS II						
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag and over) conveyor, portable forklift trucks, greaser engineer, highlift shovels of front endloaders under 2¼ yds., hoists, automatic hoists, all elevators hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors (all) winch trucks w/a "A" Frame	7.90	.40	.50	.20	.02	
CLASS III						
Air compressor, small 125 & under (1 to 5 not to exceed a total of 300 ft.) Air compressor, large over 125, combination, small equipment op. generators-large over 50kw, heaters mechanical, pumps over 3" (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5) winches 4 small electric drill winches	7.00	.40	.50	.20	.02	
CLASS IV						
Oilers	5.90	.40	.50	.20	.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$6.20	a12.00	a16.00			
4 axle trucks	6.35	a12.00	a16.00			
5 axle trucks	6.55	a12.00	a16.00			
6 axle trucks	6.75	a12.00	a16.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
Car & truck washers	6.05	a12.00	a16.00			
Dispatcher	6.30	a12.00	a16.00			
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
Master mechanic	6.75	a12.00	a16.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	6.35	a12.00	a16.00			
Over 16 cubic yards	6.55	a12.00	a16.00			
Mechanic	6.40	a12.00	a16.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skip-man, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-442 - Mod. #2 (37 FR 24512 - November 17, 1972) Washington, D. C.						
Change: Lead burners	$8.25	.30		c	.01	
DECISION #AP-443 - Mod. #2 (37 FR 24515 - November 17, 1972) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
Change: Lead burners	8.25	.30		c	.01	
DECISION #AP-444 - Mod. #1 (37 FR 24517 - November 17, 1972) Statewide, Delaware						
Change: Plumbers (New Castle Co. & Kent Co. North of the Southern Boundry of Dover City)	7.71	.55	.50	9%+j	.01	
DECISION #AP-360 - Mod. #2 (37 FR 24626 - November 17, 1972) Oklahoma County, Oklahoma						
Change: Sheet metal workers	6.35	.25	.15		.02	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-14 - Mod. #1 (37FR 19983 September 22, 1972) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan Pike, Sangamon, Schuyler & Scott Counties, Illinois						
Change: Carpenters and Piledrivermen:						
Mason County	$7.98	.30	.35		.02	
Remainder of District #6	7.53	.30	.35		.02	
DECISION #AP-28 - Mod. #3 (37 FR 23513 - November 3, 1972) Cook County, Illinois						
Change: Glaziers	$8.45	.24	.30		.01	
Line Construction:						
Linemen, Equipment Operators	8.62	4%	1%+3%	7½%	½%	
Groundmen	6.87	4%	1%+3%	7½%	½%	
DECISION #AP-29 - Mod. #2 (37FR 23490 - November 3, 1972) Cook County, Illinois						
Change:						
Electricians	9.00	.540	.405	.39	.045	
Glaziers	8.45	.24	.30		.01	
Line Construction						
Linemen, Equipment Operators	8.62	4%	1%+3%	7½%	½%	
Groundmen	6.87	4%	1%+3%	7½%	½%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-17 - Mod. #2						
(37 FR 20415 - September 29, 1972)						
Adams, Allen, Dekalb, Elkhart, Huntington, Kosciusko, Lagrange, Marshall, Noble, Starke, Stueben, Wells & Whitley Counties, Indiana						
Add:						
Painters:						
Adams, Allen, Dekalb, Huntington, Lagrange, Boble, Stueben, Wells (North of Bluffton) & Whitley Counties						
Roller	$5.90	.22	.25		.05	
Spray	6.90	.22	.25		.05	
Elkhart, Kosciusko & Marshall						
Roller & spray	6.85		.20			
Starke County						
Roller	4.80					
Spray	6.05					
Remainder of Wells County						
Roller & Spray	4.35					
DECISION #AP-18 - Mod. #1						
(37 FR 20420 - September 29, 1972)						
Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
Change:						
Painters:						
Cass County						
Brush	3.68					
Roller	4.18					
Spray	5.43					
Add:						
Painters:						
Benton, Clinton, Jasper & Tippecanoe Counties						
Spray	9.75					
Howard & Miani Counties						
Roller	5.25					
Spray	5.50					
Newton County						
Roller	8.05	.32	.25		.02	
Spray	8.80	.32	.25		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-18 - Mod. #1 (cont'd)						
Pulaksi County						
Roller	$4.80					
Spray	6.05					
Tipton County						
Spray	5.35					
Wabash County						
Brush	5.90	.22	.25		.05	
DECISION #AP-19 - Mod. #2						
(37 FR 20424, September 29, 1972)						
Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties Indiana						
Add:						
Painters:						
Fayette, Henry, Randolph, Rush, Union & Wayne Counties						
Spray	6.60					
Hamilton, Hancock, Johnson, Marion & Shelby Counties						
Roller	6.60	.20	.20			
Spray	7.40	.20	.20			
Madison & Delaware Counties						
Spray	5.35					
Blackford & Jay Counties						
Roller & Spray	4.35					
DECISION #AP-20 - Mod. #1						
(37FR 20428 - September 29, 1972)						
Fountain, Warren, Putnam, Sullivan, Vigo, Boone, Hendricks, Green, Morgan, Owen, Vermillion, Parke, Clay, Davies & Knox Counties, Indiana						
Add:						
Painters:						
Fountain & Warren Counties						
Spray	9.75					
Putnam, Sullivan & Vigo Counties						
Roller & Brush	6.50				.02	
Spray	7.50				.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
DECISION #AP-20 - Mod. #1 (cont'd)						
Boone & Hendricks Counties						
Roller	$6.60	.20	.20			
Spray	7.40	.20	.20			
Green, Morgan & Owen						
Bruch & Roller	6.10					
Spray	7.10					
Vermillion & Parke Counties						
Roller	6.25					
Spray	6.75					
Clay County						
Roller	4.75					
Spray	6.375					
Davies County						
Roller	4.50					
Spray	5.00					
Knox County						
Roller	4.75					
Spray	6.00					
DECISION #AP-21 - Mod. #1						
(37 FR 20433 - September 29, 1972)						
Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennsings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, & Washington counties, Indiana						
Add:						
Painters:						
Bartholomew, Decatur, Jackson & Jennsings Counties						
Roller	5.45					
Spray	5.70					
Clark, Floyd, Harrison, Jefferson, Scott & Washington Counties						
Spray	6.94	.15	.10		.03	
Dearborn, Ohio, Ripley & Switzerland Counties.						
Roller	5.50					
Spray	5.75					
Lawrence & Martin Counties						
Roller	4.65					
Spray	6.00					
Monroe & Brown Counties						
Roller	6.10					
Spray	7.10					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-21 - Mod. #1 (cont'd)						
Wayne County						
Spray	$6.60					
DECISION #AP-22 - Mod. #1						
(37 FR 20437 - September 29, 1972)						
Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick Counties, Indiana						
Add:						
Painters:						
Crawford County						
Spray	$6.94	.15	.10		.03	
Gibson County						
Roller	3.25					
Spray	4.25					
Dubois, Perry, Posey, Spencer, Vanderburgh & Warrick Counties						
Roller	6.20	.30				
Spray	6.95	.30				
DECISION #AM-488 - Mod. #1						
(36 FR 16460 - August 20, 1971)						
Breckinridge, Bullitt, Hardin, Jefferson, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Washington Counties, Kentucky						
Omit:						
Drywall Installers	$5.00					
DECISION #AP-351 - Mod. #4						
(37 FR 20441 - September 29, 1972)						
Orleans, Jefferson, Plaquemines & St. Bernard Parishes, Louisiana						
Change:						
Painters:						
Commercial:						
Brush and paperhanger	$5.375	.175	.20		.05	
Structural steel, swing stage & spray	5.75	.175	.20		.05	
Industrial	6.625	.175	.20		.05	

DECISION #AP-238 - Mod. #1
(37 FR 19904 - September 22, 1972)
Silverbow County, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers; Stonemasons	$7.00					
Roofers	5.33	.35	.30	.50		
" working with pitch tar	5.455	.35	.30	.50		
Power Equipment Operators:						
A-frame truck crane	6.71	.45	.45		.02	
Air compressor, single	6.40	.45	.45		.02	
Air compressor, 2 or more; Belt finishing; Conveyor loader over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.57	.45	.45		.02	
Air doctor; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete curing machine; Concrete finishing machine, paving; Concrete float spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradeall Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist or air tuggers, 2 or more drums; Hot plant; Hot plant fireman (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & including 5 yds.; Loaders, traxacavator or Athey;						

DECISION #AP-238 (cont'd)

Power Equipment Operators: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Emsco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator Plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Shovels, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	6.87	.45	.45		.02	
Automatic Finegrader, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Scraper, single engine; Slip form paver	7.00	.45	.45		.02	
Boring Machine; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.46	.45	.45		.02	
Broom Op., self-propelled	6.54	.45	.45		.02	
Cableway Op.	7.38	.45	.45		.02	
Cement Silo	6.66	.45	.45		.02	
Central Mixing Plants, concrete dams & stationary	7.12	.45	.45		.02	
Chain Bucket Loader; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.59	.45	.45		.02	
Concrete Batch Plant Op., 3 & 4 mixers	7.07	.45	.45		.02	

DECISION #AP-238 (cont'd)

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Concrete Batch Plant Op., 5 mixers & over	7.27	.45	.45		.02	
Concrete Batch Plant Oiler, up to & incl. 2 mixers	6.39	.45	.45		.02	
Concrete Batch Plant Oiler, 3 mixers & over	6.70	.45	.45		.02	
Concrete Mixer Op., 4 bags & over	6.63	.45	.45		.02	
Conveyor Loader, to & incl. 42" belt	6.45	.45	.45		.02	
Crane to & incl. 80' boom with jib	7.03	.45	.45		.02	
Crane, 81' to 130' boom	7.18	.45	.45		.02	
Crane, 131' to 150' boom	7.23	.45	.45		.02	
Crane, 151' boom & over	7.28	.45	.45		.02	
Crane Oiler; Oiler driver, rubber-tired cranes	6.44	.45	.45		.02	
Cranes, electric overhead; Shovels incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.05	.45	.45		.02	
Crane, Tower; Scraper, tandem or (engine)	7.36	.45	.45		.02	
Crane, Whirley	7.40	.45	.45		.02	
Crane, Whirley Oiler; hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.77	.45	.45		.02	
Crusher and/or Screening Plant Helper, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.36	.45	.45		.02	

DECISION #AP-238 (cont'd)

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Crusher Conveyor, when required; Farm type tractor, up to & incl. 50 H. P.; Grade setter	6.33	.45	.45		.02	
Drilling Machine (does not include Jackhammer, Wagon drillers or waterlines)	6.78	.45	.45		.02	
Euclid Loader & Similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.06	.45	.45		.02	
Farm Type Tractor, over 50 H.P.; Heaters, Herman Nelson & similar	6.41	.45	.45		.02	
Field Equipment Service Man	6.79	.45	.45		.02	
Fork Lift (on constr. site)	6.68	.45	.45		.02	
Hoist, or Air Tugger, single drum; Farm grader	6.64	.45	.45		.02	
Fuller Kenyon Pump; Loaders (Barber Green & similar)	6.52	.45	.45		.02	
Helicopter Hoist	7.37	.45	.45		.02	
Loaders, rubber-tired, 1 yd. & under	6.58	.45	.45		.02	
Loaders, rubber-tired, over 3 yds. to & incl. 5 yds.	6.99	.45	.45		.02	
Loaders, Rubber-Tired, 5 yds. to & incl. 15 yds.	7.09	.45	.45		.02	
Loaders, Rubber-Tired, over 10 yds. to & incl. 15 yds.	7.19	.45	.45		.02	
Loaders, Rubber-Tired, over 15 yds. (factory rating not to include sideboards)	7.29	.45	.45		.02	
Loaders, Tract-Type, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.10	.45	.45		.02	
Loaders, Track-Type, over 10 yds. to & incl. 15 yds,	7.20	.45	.45		.02	

DECISION #AP-238 (cont'd)

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Loaders, Track-Type, over 15 yds.	7.30	.45	.45		.02	
Mechanic and/or Welder, on job	6.94	.45	.45		.02	
Mixermobile	6.95	.45	.45		.02	
Piledriver (when shovel equip. is not used)	6.52	.45	.45		.02	
Quad Cat	7.17	.45	.45		.02	
Scraper, single or twin engine pulling belly dump trailer	7.25	.45	.45		.02	
Shovels, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.32	.45	.45		.02	
Shovels, incl. all attachs., over 5 yds.	7.45	.45	.45		.02	

DECISION #AP-239 - Mod. #2
(37 FR 19909 - September 22, 1972)
Flathead and Missoula Counties, Montana

Change:

Carpenters (Flathead County)	$5.96	.30	.35		.01	
Ironworkers:						
Reinforcing	7.56	.48	.65		.05	
Ornamental; Structural	7.56	.48	.65		.05	
Plumbers; Steamfitters (Missoula County)	6.58	.30	.30		.05	
Roofers	5.33	.35	.30	.50		

DECISION #AP-240 - Mod. #2
(37 FR 19912 - September 22, 1972)
Gallatin and Lewis & Clark Counties, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers; Stonemasons (Gallatin County)	$6.75					
Cement Masons	6.22					
Electricians (Lewis & Clark Co.)	6.50		1%		½%	
Laborers (Gallatin County):						
General laborers	4.83	.35	.25		.03	
Hod carriers; Jackhammer; Mixers; Vibrators	5.08	.35	.25		.03	
Lathers	5.95					
Marble Masons (Gallatin County)	6.75					
Roofers (Lewis & Clark County)	5.75					
Terrazzo workers; Tile setters (Gallatin County)	6.75					

DECISION #AP-322 - Mod. #4
(37 FR 18876 - September 15, 1972)
Los Alamos County, New Mexico

Change:

General Building and Heavy Engineering Construction: Boilermakers	$7.00	.35	.50		.02	

DECISION #AP-361 - Mod. #1
(37 FR 24629 - November 17, 1972)
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas

Change Description of Work to Read "Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport"

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-6,704 - Mod. #2 (37 FR 6138 - March 10, 1972) Clark, Cowlitz, Klickitat, Pacific, Skamania and Wahkiakum Counties, Washington						
Change:						
Southern part of Pacific County and all other Counties						
Cement Masons	6.81	.35	.35	-	.01	
Southern part of Pacific County and all other Counties						
Ironworkers: Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signal Men	7.31	.48	.65	.25	.05	
Line Construction: Cable Splicers, Leadman, Pole Sprayer Lineman; Pole Sprayer, Heavy Line Equipment Man, Certified Lineman, Welder	8.60	.25	1%		1/2%	
Tree Trimmer	7.76	.25	1%		1/2%	
Line Equipment Man	7.00	.25	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.67	.25	1%		1/2%	
Groundman; Tree Trimmer Helper	5.82	.25	1%		1/2%	
Hole Digger	5.49	.25	1%		1/2%	
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and Southern part of Pacific County	5.25	.25	1%		1/2%	
Truck Drivers: Group I						
Battery rebuilder; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checker & receivers); Water wagons (rated capacity); up to 1600 gals.	6.18	.40	.45	.25		

DECISION #AM-6,704 (Cont'd)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group II						
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	6.23	.40	.45	.25		
Group III						
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks; 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.28	.40	.45	.25		
Group IV						
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.	6.33	.40	.45	.25		
Group V						
Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.	6.35	.40	.45	.25		
Group VI						
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.;						

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group VI (Cont'd)						
Transit mix & dry or wet mix trucks: over 7 cu. yds. & incl. 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.48	.40	.45	.25		
Group VII						
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.: Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water wagons (rated capacity): over 7000 gals. to 10,000 gals.	6.58	.40	.45	.25		
Group VIII						
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.68	.40	.45	.25		
Group IX						
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.78	.40	.45	.25		
Group X						
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.95	.40	.45	.25		

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group XI						
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	7.05	.40	.45	.25		
Group XII						
Dump trucks, side, end & bottom dumps, incl. semi-truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.	7.15	.40	.45	.25		
Group XIII						
Dump trucks, side, end & bottom dump, including semi-trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.25	.40	.45	.25		
Group XIV						
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.35	.40	.45	.25		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, & Ray, Missouri; Johnson & Wyandotte, Kansas

DECISION NO.: AP-516

DATE: Date of Publication

Supersedes Decision No. AP-515, dated November 17, 1972, in 37 FR 24550.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

CASS, CLAY, JACKSON, & PLATTE COS., MO

Missouri - 3 - LAB - 1 - b

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other 1/
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects).	$5.71	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duck lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds.	5.805	.30	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies (self-propelled); brick tenders; plasterer tenders; fork lift (up to 9 ft.); hoseman; insulation man.	5.905	.30	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.	6.00	.30	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	6.10	.30	.15			

"Jackson, Platte, Ray, Clay, & Cass Counties, Missouri"

10 - Missouri - 1b (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.40	.30	.30		.02	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS	7.725	.35	.35	.15		
CARPENTERS (JACKSON, PLATTE, RAY, & CLAY COS.):						
Carpenters; Millwrights; Piledrivermen	7.55	.23	.15		.04	
CARPENTERS (CASS COUNTY):						
Carpenters	7.30	.23	.15		.04	
Millwrights & Piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Cement masons	6.025	.10	.15			
Composition	6.275	.10	.15			
ELECTRICIANS(UP TO & INCLUDING 3 STORIES):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	6.29	.15	1%+.20	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties	5.69	.15	1%+.20	.70	.03	
Ray County	5.69	.15	1%+.20	.70	.03	
ELECTRICIANS(4 STORIES):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	7.95	.15	1%+.20	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties:						
Electricians(contracts $5,000 & over)	7.95	.15	1%+.20	.70	.03	
Electricians(contracts under $5,000)	7.45	.15	1%+.20	.70	.03	
Ray County:						
Electricians(contracts $5,000 & over)	7.95	.15	1%+.20	.70	.03	
Electricians(contracts under $5,000)	6.90	.15	1%+.20	.70	.03	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR					
GLAZIERS	7.41	.35	.20	7%+d	.01	
IRONWORKERS:						
Structural; ornamental; riggers	8.50	.40	.40	.50	.05	
Reinforcing	8.50	.40	.40	.50	.05	
LATHERS	6.75	.20				
MARBLE, TERRAZZO, & TILE WORKERS	8.425	3.65%	3.25%			
MARBLE & TILE HELPERS	6.68					
TERRAZZO HELPERS	4.55					
TERRAZZO BASE MACHINE GRINDERS	4.90					
PAINTERS:						
Painters	7.52	.20	.20			
Paperhangers	8.02	.20	.20			
Bridges	8.27	.20	.20			
Structural steel (exterior)	8.27	.20	.20			

10 - Missouri - 1b (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS (CONT'D):						
All interior surfaces over 27 ft. from the floor including structural steel	$8.27	.20	.20			
All exterior work performend on swing stages, window jacks or with belts (over 7 ft. above ground level)	8.27	.20	.20			
Storage bins and storage tanks (over 7 ft. above ground level)	8.27	.20	.20			
All work performed by air, steam aggregate and/or sandblasting	8.27	.20	.20			
Structural steel, exterior over 75 ft. in height	8.52	.20	.20			
All work in elevator shafts above 27 ft.	8.27	.20	.20			
Tapers using power machine(Bazooka)	8.27	.20	.20			
Spray	8.52	.20	.20			
PLASTERERS	6.90	.20				
PIPEFITTERS	8.02	.38	.75		.06	
PLUMBERS	8.45	.30	.40		.06	
ROOFERS	6.51	.18	.40		.04	
SHEET METAL WORKERS	8.225	.25	.25			
SOFT FLOOR LAYERS	7.09	.35	.25	7%		
SPRINKLER FITTERS	8.485	.25	.40		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 yrs. - 4% of basic hourly rates.
b. Paid Holidays - Athrough F.
d. Paid Holidays - A through G.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day
F-Christmas Day; G-Friday after Thanksgiving Day.

Ray County, Missouri
Building Construction

Missouri - 7 - LAB - 1 - b

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Common labor; wire mesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects).	$5.55	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds.	5.65	.30	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies (self-propelled); brick tenders; fork lift (up to 9 ft.); hoseman; insulation man.	5.725	.30	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.	5.80	.30	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	5.90	.30	.15			

"Jackson, Clay, Cass, Ray, & Platte Counties, Missouri"

AP-516 P. 5
Mo.3-PEO-1- i (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: "A" From Trucks; Boilers (1); Brooms-Power Operated (all types); Chip Spreader (frontman); Clef Plane Operators; Compressor (1) 105 feet or over; Concrete Saws, self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Firemen on Rigs; Flex Plane; Floating Machine; Form Grader; Fork Lift - all types & sizes; Greaser; Hoist; Hoist, Endless Chain - power operated; Hopper - Power operated; Hydra Hammer (all types); Lad-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water well points); Pump (Water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 h.p.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Back Hoe, all types; Barber-Greene Loader; Blase Power, all types; Boats - Power; Boilers (2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clamshells; Combination Concrete Hoist & Mixer; such as mixers-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - tandem (any sizes); Compressors - Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane - overhead; Crusher; rock; Derricks & Derrick Cars (power operated); Ditching Machines; Dozers; Draglines; Dredges, any type power; Gradeall; Hoist, Endless Chain - Power Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanic & welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel, Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	

"Building Construction"

AP-516 P. 6
No. 3-PEO-1-i (2-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Crane-tower or climbing	$7.65	.25	.25		.02	
Clamshells, Crane or Rigs, Draglines & Pile Drivers with 80 feet of boom or over (including jib)	7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants: Crane Operator	6.83	.25	.25		.02	
Conveyor; Loader Operator; Plant Man	6.63	.25	.25		.02	

Jackson, Platte, Ray, & Clay Counties, Missouri

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

LABORERS:

10 - Missouri - LAB - 2,3 (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
General Laborer Carpenter Tenders; Salamander Tenders; Dump Man & Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track men and all other General Laborers	$7.00	.40	.40	.50	.10	
First Semi-Skill Air Tool Operator; Cement Handler (Bulk or Sack); Chain or Concrete Saw; Deck Hands; Dump man on Earth Fill; Grade Checkers on Cuts and Fills; Georgie Buggies Man; Material Batch Hopper Man; Scale Man; Material Mixer Man (except on Manholes, Coffer Dams, Abutments and PierHole men working below ground); Riprap Pavers Rock, Block or Brick; Signal Man; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct lines and all other pipe lines; Power Tool Operator; all work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Pudlers (paving only)	7.15	.40	.40	.50	.10	
Second Semi-Skill Crusher Feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy materials (where special protection is required); Head Pipe Layer on Sewer work; Topper of Standing trees; Batter Board man on Pipe & Ditch work; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River work; all Laborers working on underground tunnels where compressed air is not used	7.30	.40	.40	.50	.10	

10 - Missouri - LAB - 2,3 (2-2)

LABORERS (CONT'D):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Third Semi-Skill Spreader or Screed man on Asphalt Machine; Asphalt Raker; Laser Beam Man; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller, Churn Drills, Air Track Drill and all other similar drills; Cutting Torch Man; Form Setter; Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builders Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels	7.50	.40	.40	.50	.10	
Fourth Semi-Skill Manhole Builder (Brick or Block); Dynamite and Powder Men;	7.80	.40	.40	.50	.10	

*Jackson, Platte, Ray, & Clay Cos., Mo.

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

TRUCK DRIVERS:

10 - Missouri - TD - 2,3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
One Team; Station Wagons; Pickups; Material, Single Axle; Tank Wagon, Single Axle	$7.39	.50	.50	.50		
Two Teams; Material, Tandem; Semi-Trailers; Winch; Fork; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon, Tandem or Semi-Trailer; Insley Wagons; Dump; Excavating, 5 cu. yds. & over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.50	.50	.50		
A-Frame; Low Boy; Boom	7.90	.50	.50	.50		
Mechanics & Welders	8.05	.50	.50	.50		
Mechanic's Helpers, Oilers & Greasers	7.165	.50	.50	.50		

AP-516 P. 9

10 - Missouri - PEO - 2,3 (1-2)

"Jackson, Platte, Ray, & Clay Cos., Mo.
SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group I						
Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boilers-2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator-2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; High Loader-Fork Lift; Hoisting Engine-2 active drums; Locomotive Operator, Standard Gauge; Mechanics and Welders, Field or Shop; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump-2; Quad-Trac; Scoop Operator-all types; Scoops in Tandem; Self-Propelled Rotary Drill(Leroy or Equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or Equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator-2	$8.50	.40	.40	.50	.10	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, Dry, Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine-1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator-Over 50 HP	8.25	.40	.40	.50	.10	

AP-516 P. 10

10 - Missouri - PEO - 2,3 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group III						
Boilers-1; Chip Spreader(Front Man); Churn Drill Operator; Compressor Maintenance Operator-1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator-Combination Boiler and Booster; Tractor, 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1	8.00	.40	.40	.50	.10	
Group IV						
Mechanic's Helper, Oiler	7.50	.40	.40	.50	.10	
Clamshells, 3-yd. capacity or over	8.75	.40	.40	.50	.10	
Crane or Rigs, 80 ft. of boom or over (including jib)	8.75	.40	.40	.50	.10	
Crane or Rigs, over 200 ft. of boom (including jib)	9.00	.40	.40	.50	.10	
Draglines, 3-yd. capacity or over	8.75	.40	.40	.50	.10	
Pile Drivers, 80 ft. of boom or over (including jib)	8.75	.40	.40	.50	.10	
Shovels, 3-yd. capacity or over	8.75	.40	.40	.50	.10	

MO. 8-PEO 2,3, (1-2)

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

CASS COUNTY, MISSOURI

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
Asphalt finishing machine & Trench widening spreader; Asphalt plant Console Op.; Autograder; Automatic slipform paver; Backhoe, Blade Op. - all types; Boat Op.-tow; Boilers-2; Central mix concrete plant Op.; Clam-shell Op.; Concrete mixer paver; Crane Op.; Derrick or Derrick trucks; Ditching machine; Dozer Op.; Dragline Op.; Dredge booster pump; Dredge Engineman; Dredge Op.; Drill cat with Compressor mounted on Cat; Drilling or Boring machine rotary self-propelled; Highloader; Hoisting engine -2 active drums; Lauchhammer wheel; Locomotive Op.- standard gauge; Mechanics and Welders; Mucking machine; Piledriver Op.; Pitman Crane Op.; Push Cat Op,; Quad Trac; Scoop Op. - all types; Shovel Op.; Sideboom Cats; Skimmer scoop Op.; Trenching machine Op.; Truck crane	$9.10	.40	.40		.05	
A-Frame; Aspahlt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer Op.; Asphalt roller Op.; Backfiller Op.; Barber-Greene loader; Boat Op.(bridges & dams); Chip spreader; Compressor Maintenance Op. -2; Concrete mixer Op.; Skip loader; Concrete plant Op.; Concrete pump Op.; Crusher Op.; Dredge oiler; Elevating grader Op.; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive Op. narrow gauge; Multiple compactor; Pavement breaker; Power-broom self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor Op. (over 50 H.P.); Welding machine Maintenance Op. -2; Winch truck	8.90	.40	.40		.05	

MO. 8-PEO 2,3 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Boilers - 1; Chip Spreader (front man); Churn Drill Op.; Clef Plane Op.; Compressor Maintenance Op. -1; Concrete Saw Op. (self-propelled); Conveyor Op.; Curb Finishing Machine; Distributor Op.; Finishing Machine Op.; Fireman-Rig; Flex Plane Op.; Float Op.; Form Grader Op.; Generator-Maintenance Op.; Light Plant- Maintenance Op.; Maintenance Op.; Oiler Driver; Pugmill Op.; Pump Maintenance Op. (other than Dredge); Roller Op., other than high type asphalt; Screening & Washing Plant Op.; Siphons & Jets; Sub-grading Machine Operator; Spreader Box Op., self-propelled (not asphalt); Tank Car Heater Op. (Combination Boiler & Booster); Tractor Op. (50 H.P. or less); Ulmac, Ulric or similar spreader; Vibrating Machine Op., Welding Machine Maintenance Op. - 1	8.70	.40	.40		.05	
Oiler	7.95	.40	.40		.05	
Clamshells, 3 yds. or over; Crane, Rigs or Piledrivers 100' to 200' of boom (including jib); Draglines, 3 yds, or over; Hoists - each additional active drum over 2 drums; Shovels, 3 yds. or over	9.35	.40	.40		.05	
Tandem Scoop; Crane, Rigs or Piledrivers 200' of boom or over (including jib)	9.60	.40	.40		.05	

MO. 22 Lab 2,3

CASS COUNTY, MISSOURI

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
LABORERS:						
General Labor						
Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers	6.975	.40	.40		.10	
First Semi-Skill						
Air tool operator; Cement handler-bulk or sack; Dump man on earth fill; Georgie buggie man; Material batch hopper man; Scale man; Spreader on asphalt machine; Material mixer man (except on manholes); Coffer dams; Riprap pavers-rock, block or brick; Signal man; Scaffolds over ten feet not self-supported from ground up; Skipman on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only); Straw blower nozzleman; Wire mesh setters on concrete paving.	7.125	.40	.40		.10	
Second Semi-Skill						
Asphalt plant platform man; Chuck tender; Crusher feeder; Men handling creosote ties on creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Vibrator man; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; Deck hands; Pile dike and revetment work; All laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and pier hole men working six (6) feet or more below ground; Men working in Coffer dams for bridge piers and footings in the river.	7.275	.40	.40		.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Third Semi-Skill					
Laser beam man; Asphalt rakers; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track drills; All other similar drills; Cutting torch man; Form setters; Liners and stringline men on concrete paving, curb, gutters, etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builder helpers and mortar men on brick or block manholes; Sandblasting & gunite nozzle men; Rubbing concrete; Air tool Operator in tunnels; Caulker and lead man; Screed man on asphalt machine; Chain on concrete saw; Cliff scalers working from scaffolds, Bosuns' Chairs or platforms on dams or power plants over ten (10) feet above ground; Grade checker on cuts and fills.	7.475	.40	.40		.10
Fourth Semi-Skill					
Manhole builders-brick or block; Dynamite and powder men; Welder	7.725	.40	.40		.10

Cass County, Missouri

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

MO. 2 - TD - 2,3 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Flat bed trucks - single axle	$7.33	.50	.50		
Flat bed trucks - tandem axle	7.48	.50	.50		
Station wagons	7.33	.50	.50		
Pickup trucks	7.33	.50	.50		
Material trucks - single axle	7.33	.50	.50		
Material trucks - tandem axle	7.48	.50	.50		
Semi and/or pole trailers	7.55	.50	.50		
Winch, fork and steel trucks	7.55	.50	.50		
Distributor drivers and operators	7.55	.50	.50		
Agitator and transit mix trucks	7.44	.50	.50		
Tank wagon - single axle	7.33	.50	.50		
Tank wagon - semi-trailer	7.55	.50	.50		
Tank wagon - tandem axle	7.48	.50	.50		
Insley wagons, dumpsters, half-tracks, speedace, euclids, and other similar equipment	7.55	.50	.50		
A-frame and derrick trucks	7.55	.50	.50		
Float or low boy	7.55	.50	.50		
Warehouseman	7.23	.50	.50		

"WYANDOTTE & JOHNSON COUNTIES, KANSAS

20-Kansas-1-x

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$8.40	.30	.30		.02	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.325	.20	.30			
CARPENTERS:						
Carpenters; Millwrights; Piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Cement masons	6.025	.10	.15			
Composition	6.275	.10	.15			
ELECTRICIANS:						
Johnson County:						
That portion of Johnson Co. west of Aubry, Oxford and Shawnee Townships	8.00	.25	1%+.30		2/10%	
Remainder of County	6.29	.15	1%+.20	.70	.03	
Wyandotte County	6.29	.15	1%+.20	.70	.03	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS(PROB.)	50%JR					
GLAZIERS	7.41	.35	.20	7%+c	.01	
IRONWORKERS:						
Ornamental; Reinforcing; Riggers; Structural	8.50	.40	.40	.50	.05	
LATHERS	6.75	.20				
MARBLE SETTERS	8.425	3.65%	3.25%			
MARBLE SETTERS' HELPERS	6.68					
PAINTERS:						
Painters	7.52	.20	.20			
Paperhangers	8.02	.20	.20			
All interior surfaces over 27' from the floor including structural steel; All exterior work performed on swing stages, with jacks or with belts (over 7' above ground level); Storage bins and storage tanks (over 7' above ground level); All work performed by air, steam, aggregate and/or sand-blasting; All work in elevator shafts above 27'; Bridges; Structural steel (exterior); Structural steel, exterior over 75' in height; tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
PIPEFITTERS	8.02	.38	.75		.06	
PLASTERERS	6.90	.20				
PLUMBERS	8.45	.30	.40		.06	
ROOFERS	6.51	.18	.40		.04	
SHEET METAL WORKERS	8.225	.25	.25			

20-Kansas-1-x

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
SOFT FLOOR LAYERS	7.09	.35	.25	7%	.05	
SPRINKLER FITTERS	8.485	.25	.40		.05	
TERRAZZO WORKERS; Tile setters	8.425	3.65%	3.25%			
TERRAZZO WORKERS' HELPERS	4.55					
TERRAZZO BASE GRINDERS	4.90					
TILE SETTERS' HELPERS	6.68					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving Day.

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs, 4% of basic hourly rate.
b. Paid Holidays: A through F.
c. Paid Holidays: A through G.

Johnson & Wyandotte Cos., Kans.

Kansas 20 Lab - 1 - b

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Common labor, Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)	$5.71	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duck lines, digging & back filling), Power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, & Chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds	5.805	.30	.15			
Stone mason tenders; Cutting torch or burner men; Georgia buggies (self-propelled); Brick tenders; Plasterers tenders; Fork lift (up to 9 ft.); Hoseman; Insulation man	5.905	.30	.15			
Mortar men (Hod carriers); scaffolding (swinging or tubing) Hod carriers	6.00	.30	.15			
Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting & gunite nozzle man; Wagon & Churn drill operators	6.10	.30	.15			

Wyandotte & Johnson Counties, Kansas

KAN - 10 - PEO - 1 - h (1-

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
"A" Frame Trucks; Boilers (1); Brooms Power Operated (all types); Chip Spreader (front man); Clef Plane Op.; Compressor (1) 105 feet or over; Concrete Saws, Self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Firemen on Rigs; Flex Plane; Floating Machine; Form Grader; Fork Lift - all types & sizes; Greaser; Hoist, Endless Chain - power operated; Hopper - Power Operated; Hydra Hammer (all types); Lad-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 H.P.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator Back Fillers; Back Hoe, all types; Barber-Greene Loader; Blade - Power, all types; Boats - Power; Boiler (2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clamshells; Combination Concrete Hoist & Mixer, such as mixer-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - tandem (any sizes); Compressors - Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane - overhead; Crusher, rock; Derricks & Derrick Cars (Power operated); Ditching Machines; Dozers; Draglines; Dredges, any type power; Gradeall; Hoist, Endless Chain-Power Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanic & Welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	
Crane-tower or climbing	7.65	.25	.25		.02	

KAN - 10 - PEO - 1 - h (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (cont'd)						
Clamshells, crane or rigs, draglines & Pile Drivers with 80 feet of boom or over (including jib)	$7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Tractors (except when hauling material) less than 50 H.P.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants:						
Crane Operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	

Wyandotte & Johnson Counties, Kansas.

KAN - 1 - TD - 1 - h

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
TRUCK DRIVERS:						
Warehousemen and stock man	$4.175					
Flat beds	4.225					
Pick-ups	4.225					
Dump trucks, under 10 yards	4.225					
Dump trucks, 10 yards and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydro lift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truck drivers and operators	4.325					
Semi-truck drivers	4.30					
Heavy hauling, A-frame winch and fork lifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yards and over	4.375					
Transit mix, under 5 yards	4.275					
Double bottom units (20 tons cap & over)	4.425					

"Wyandotte & Johnson Counties, Kans. AP-516 P. 21

100-KAN-LAB-2-3-H (1-2)

Site Preparation & Grading

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS						
GENERAL LABORER						
Carpenter Tenders, Salamander Tenders, Dump Man & Ticket Takers on Stock Piles, Flagmen, Loading Trucks under Bins, Hoppers and Conveyors, Track men and all other General Laborers	7.00	.40	.40	.50	.10	
FIRST SEMI-SKILL						
Air Tool Operator, Cement Handler (Bulk or Sack), Chain or Concrete Saw, Deck Hands, Dump man on earth fill, Grade checkers on Cuts and Fills, Georgie Buggies Man, Material Batch Hopper man, Scale man, Material Mixer Man (except on Manholes, Coffer Dams, Abutments and Pier Hole men working below ground, Riprap Pavers Rock, Block or Brick, Signal man, Scaffolds over 10 ft. not self-supported from ground up, Skipman on concrete paving, Vibrator man, Wire mesh setters on concrete paving, all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines, Power Tool Operator, all work in connection with Hydaulic or General Dredging Operations, Form Setter Helpers Pudlers (paving only)	7.15	.40	.40	.50	.10	
SECOND SEMI-SKILL						
Crusher Feeder, Men Handling creosote Ties or creosote materials, Men working with and handling epoxy material or materials (where special protection is required), Head Pipe Layer on Sewer work, Topper of Standing trees, Batter Board man on Pipe & Ditch work, Feeder Man on Wood Pulverizers, Board and Willow Mat Weavers and Cable Tiers on River Work, all Laborers working on underground tunnels where compressed air is not used	7.30	.40	.40	.50	.10	
THIRD SEMI-SKILL						
Spreader or Screed man on Asphalt Machine, Asphalt Raker, Laser Beam Man, Barco Tamper, Jackson or any other similar Tamp, Wagon Driller, Churn Drills, Air Track Drills and all other similar Drills, Cutting Torch Man, Form Setters, Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc., Hot Mastic Kettleman, Hot Tar Applicator, Hand Blade Operators, Manhole Builders Helpers and Mortar Men on Brick or Block Manholes, Sand Blasting and Gunnite Nozzle Men, Rubbing Concrete, Air Tool Operator in Tunnels	7.50	.40	.40	.50	.10	

AP-516 P. 22

100-KAN-LAB-2-3-H (2-2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS						
FOURTH SEMI-SKILL						
Manhole Builder (Brick or Block), Dynamite and Powder Men, Welder, Leadman or Working Foreman, Tunnel Leadman or Working Foreman	7.80	.40	.40	.50	.10	

Wyandotte & Johnson Counties

Site Preparation & Grading

100 - Kansas TD 2, 3 d

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$7.39	.50	.50	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.50	.50	.50		
A Frame-Low Boy-Boom truck drivers	7.90	.50	.50	.50		
Mechanics & Welders	8.05	.50	.50	.50		
Mechanics' Helpers, Oilers & Greasers	7.165	.50	.50	.50		

Site Preparation & Grading

100 - KAN PEO 2 - 3 - h (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group I Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums	$8.50	.40	.40	.50	.10	
Group II "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	8.25	.40	.40	.50	.10	
Group III Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	8.00	.40	.40	.50	.10	

100 - KAN PEC 2 - 3 - h (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group III (Cont'd) Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	8.00	.40	.40	.50	.10	
Group IV Mechanic's Helper; Oiler	7.50	.40	.40	.50	.10	
Clamshells, 3 yards or over	8.75	.40	.40	.50	.10	
Crane or Rigs, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Crane or Rigs 200 feet of boom or over	9.00	.40	.40	.50	.10	
Dragline, 3 yards or over	8.75	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Shovels, 3 yards or over	8.75	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, & Ray, Missouri; Johnson & Wyandotte, Kansas

DECISION NO.: AP-517

DATE: Date of Publication

Supersedes Decision No. AP-514, dated November 17, 1972, in 37 FR 24538.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION

10 - Missouri - 1 c

"Cass, Clay, Jackson, Platte, & Ray Counties, Missouri"	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS HELPERS:						
1st 6 mos.	$4.56	.18	.40		.04	
2nd 6 mos.	4.88	.18	.40		.04	
3rd 6 mos.	5.21	.18	.40		.04	
4th 6 mos.	5.53	.18	.40		.04	
5th 6 mos.	5.86	.18	.40		.04	
TRUCK DRIVERS:						
Flat bed, pick-up, & dump-under 10 yds.	4.225					
Dump-10 yds. & over	4.30					
HEAVY & HIGHWAY CONSTRUCTION:						
CEMENT MASONS (not incl. Cass Co.)	8.905	.20	.45	.50	.05	
CARPENTERS (CASS CO., MO.)	7.67	.23	.15		.03	

"Cass, Clay, Jackson, Platte, & Ray Counties, Missouri"

10 - Missouri - 1 c (1-2)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$ 8.40	.30	.30		.02	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS	7.725	.35	.35	.15		
CARPENTERS (CASS COUNTY)	7.30	.23	.15		.04	
CARPENTERS:						
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Cement masons	6.025	.10	.15			
Composition	6.275	.10	.15			
ELECTRICIANS:						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill: Electricians	7.10	.15	1% + .20	.55	.03	
Remainder of Clay, Jackson, Platte and Cass Counties:						
Electricians (contracts over $5,000)	7.95	.15	1% + .20	.70	.03	
Electricians (contracts under $5,000)	7.45	.15	1% + .20	.70	.03	
Ray County:						
Electricians (contracts over $5,000)	7.10	.15	1% + .20	.55	.03	
Electricians (contracts under $5,000)	6.05	.15	1% + .20	.55	.03	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2% +a +b		
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.175	.20	2% +a +b		
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR					
GLAZIERS	7.41	.35	.20	7% + d	.01	
IRONWORKERS:						
Structural; ornamental; riggers	8.50	.40	.40	.50	.05	
Reinforcing	8.50	.40	.40	.50	.05	
LATHERS	6.75	.20				
MARBLE, TERRAZZO, & TILE WORKERS	8.425	3.65%	3.25%			
MARBLE & TILE HELPERS	6.68					
TERRAZZO HELPERS	4.55					
TERRAZZO BASE MACHINE GRINDERS	4.90					
PAINTERS:						
Painters	7.52	.20	.20			
Paperhangers	8.02	.20	.20			
Bridges	8.27	.20	.20			
Structural Steel (exterior)	8.27	.20	.20			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS (CONT'D):						
All interior surfaces over 27 ft. from the floor including structural steel	$8.27	.20	.20			
All exterior work performed on swing stages, window jacks or with belts (over 7 ft. above ground level)	8.27	.20	.20			
Storage bins and storage tanks (over 7 ft. above ground level)	8.27	.20	.20			
All work performed by air, steam aggregate and/or sandblasting	8.27	.20	.20			
Structural Steel, exterior over 75 ft. in height	8.52	.20	.20			
All work in elevator shafts above 27 ft.	8.27	.20	.20			
Tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
PLASTERERS	6.90	.20				
PIPEFITTERS	8.02	.38	.75		.06	
PLUMBERS	8.45	.30	.40		.06	
ROOFERS	6.51	.18	.40		.04	
SHEET METAL WORKERS	8.225	.25	.25			
SOFT FLOOR LAYERS	7.09	.35	.25	7%	.05	
SPRINKLER FITTERS	8.485	.25	.40		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through G.
c - Employees having one year continuous service shall receive 1 week vacation with pay and employees having 3 years or more continuous service shall receive 2 weeks vacation with pay.
d - Employers contribution of 3.02% for each hour paid plus fringes into the Paid Holiday Trust Fund - (7) paid holidays, A through G.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving.

Missouri - 3 - LAB - 1 - b

CASS, CLAY, JACKSON, & PLATTE COS., MO BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects).	$5.71	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duck lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds.	5.805	.30	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies (self-propelled); brick tenders; plasterer tenders; fork lift (up to 9 ft.); hoseman; insulation man.	5.905	.30	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.	6.00	.30	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	6.10	.30	.15			

Missouri - 7 - LAB - 1 - b

Ray County, Missouri Building Construction LABORERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Common labor; wire mesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects).	$5.55	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds.	5.65	.30	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies (self-propelled); brick tenders; fork lift (up to 9 ft.); hoseman; insulation man.	5.725	.30	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.	5.80	.30	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	5.90	.30	.15			

"Cass, Clay, Jackson, Platte, & Ray Counties, Missouri"

Building Construction

AP-517 P. 5
Mo.3-PEO-1-i (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
"A" From Trucks; Boilers (1); Brooms-Power Operated (all types); Chip Spreader (frontman); Clof Plane Operators; Compressor (1) 105 feet or over; Concrete Saws, self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Firemen on Rigs; Flex Plane; Floating Machine; Form Grader; Fork Lift - all types & sizes; Greaser; Hoist; Hoist, Endless Chain - power operated; Hopper - Power operated; Hydra Hammer (all types); Lad-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water well points); Pump (Water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 h.p.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Back Hoe, all types; Barber-Greene Loader; Blase Power, all types; Boats - Power; Boilers (2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clamshells; Combination Concrete Hoist & Mixer; such as mixers-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - tandem (any sizes); Compressors - Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane - overhead; Crusher; rock; Derricks & Derrick Cars (power operated); Ditching Machines; Dozers; Draglines; Dredges, any type power; Gradeall; Hoist, Endless Chain - Power Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanic & welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel, Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	

AP-517 P. 6
"Building Construction" Mo. 3-PEO-1-i (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (cont'd)						
Crane-tower or climbing	$7.65	.25	.25		.02	
Clamshells, Crane or Rigs, Draglines & Pile Drivers with 80 feet of boom or over (including jib)	7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants: Crane Operator	6.83	.25	.25		.02	
Conveyor; Loader Operator; Plant Man	6.63	.25	.25		.02	

"Cass County, Missouri"

MO. 2 - TD - 2.3 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
HEAVY & HIGHWAY CONSTRUCTION						
TRUCK DRIVERS:						
Flat bed trucks - single axle	$7.33	.50	.50			
Flat bed trucks - tandem axle	7.48	.50	.50			
Station wagons	7.33	.50	.50			
Pickup trucks	7.33	.50	.50			
Material trucks - single axle	7.33	.50	.50			
Material trucks - tandem axle	7.48	.50	.50			
Semi and/or pole trailers	7.55	.50	.50			
Winch, fork and steel trucks	7.55	.50	.50			
Distributor drivers and operators	7.55	.50	.50			
Agitator and transit mix trucks	7.44	.50	.50			
Tank wagon - single axle	7.33	.50	.50			
Tank wagon - semi-trailer	7.55	.50	.50			
Tank wagon - tandem axle	7.48	.50	.50			
Insley wagons, dumpsters, half-tracks, speedace, euclids, and other similar equipment	7.55	.50	.50			
A-frame and derrick trucks	7.55	.50	.50			
Float or low boy	7.55	.50	.50			
Warehouseman	7.23	.50	.50			

HEAVY & HIGHWAY CONSTRUCTION
CASS COUNTY, MISSOURI

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt finishing machine & Trench widening spreader; Asphalt plant Console Op.; Autograder; Automatic slipform paver; Backhoe, Blade Op. - all types; Boat Op.-tow; Boilers-2; Central mix concrete plant Op.; Clamshell Op.; Concrete mixer paver; Crane Op.; Derrick or Derrick trucks; Ditching machine; Dozer Op.; Dragline Op.; Dredge booster pump; Dredge Engineman; Dredge Op.; Drill cat with Compressor mounted on Cat; Drilling or Boring machine rotary self-propelled; Highloader; Hoisting engine -2 active drums; Lauchhammer wheel; Locomotive Op.- standard gauge; Mechanics and Welders; Mucking machine; Piledriver Op.; Pitman Crane Op.; Push Cat Op.; Quad Trac; Scoop Op. - all types; Shovel Op.; Sideboom Cats; Skimmer scoop Op.; Trenching machine Op.; Truck crane	$9.10	.40	.40		.05	
A-Frame; Aspahlt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer Op.; Asphalt roller Op.; Backfiller Op.; Barber-Greene loader; Boat Op.(bridges & dams); Chip spreader; Compressor Maintenance Op. -2; Concrete mixer Op.; Skip loader; Concrete plant Op.; Concrete pump Op.; Crusher Op.; Dredge oiler; Elevating grader Op.; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive Op. narrow gauge; Multiple compactor; Pavement breaker; Power-broom self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor Op. (over 50 H.P.); Welding machine Maintenance Op. -2; Winch truck	8.90	.40	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Boilers - 1; Chip Spreader (front man); Churn Drill Op.; Clef Plane Op.; Compressor Maintenance Op. -1; Concrete Saw Op. (self-propelled); Conveyor Op.; Curb Finishing Machine; Distributor Op.; Finishing Machine Op.; Fireman-Rig; Flex Plane Op.; Float Op.; Form Grader Op.; Generator-Maintenance Op.; Light Plant- Maintenance Op.; Maintenance Op.; Oiler Driver; Pugmill Op.; Pump Maintenance Op. (other than Dredge); Roller Op., other than high type asphalt; Screening & Washing Plant Op.; Siphons & Jets; Sub-grading Machine Operator; Spreader Box Op., self-propelled (not asphalt); Tank Car Heater Op. (Combination Boiler & Booster); Tractor Op. (50 H.P. or less); Ulmac, Ulric or similar spreader; Vibrating Machine Op., Welding Machine Maintenance Op. - 1	8.70	.40	.40		.05	
Oiler	7.95	.40	.40		.05	
Clamshells, 3 yds. or over; Crane, Rigs or Piledrivers 100' to 200' of boom (including jib); Draglines, 3 yds, or over; Hoists - each additional active drum over 2 drums; Shovels, 3 yds. or over	9.35	.40	.40		.05	
Tandem Scoop; Crane, Rigs or Piledrivers 200' of boom or over (including jib)	9.60	.40	.40		.05	

Cass County, Missouri

MO. 22 Lab 2,3

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
General Labor						
Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers	6.975	.40	.40		.10	
First Semi-Skill						
Air tool operator; Cement handler-bulk or sack; Dump man on earth fill; Georgie buggie man; Material batch hopper man; Scale man; Spreader on asphalt machine; Material mixer man (except on manholes); Coffer dams; Riprap pavers-rock, block or brick; Signal man; Scaffolds over ten feet not self-supported from ground up; Skipman on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only); Straw blower nozzleman; Wire mesh setters on concrete paving.	7.125	.40	.40		.10	
Second Semi-Skill						
Asphalt plant platform man; Chuck tender; Crusher feeder; Men handling creosote ties on creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Vibrator man; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; Deck hands; Pile dike and revetment work; All laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and pier hole men working six (6) feet or more below ground; Men working in Coffer dams for bridge piers and footings in the river.	7.275	.40	.40		.10	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Othe
Third Semi-Skill						
Laser beam man; Asphalt rakers; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track drills; All other similar drills; Cutting torch man; Form setters; Liners and stringline men on concrete paving, curb, gutters, etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builder helpers and mortar men on brick or block manholes; Sandblasting & gunite nozzle men; Rubbing concrete; Air tool Operator in tunnels; Caulker and lead man; Screed man on asphalt machine; Chain on concrete saw; Cliff scalers working from scaffolds, Bosuns' Chairs or platforms on dams or power plants over ten (10) feet above ground; Grade checker on cuts and fills.	7.475	.40	.40		.10	
Fourth Semi-Skill						
Manhole builders-brick or block; Dynamite and powder men; Welder	7.725	.40	.40		.10	

"Clay, Jackson, Platte, & Ray Counties, Missouri" AP-517 P. 11

HEAVY & HIGHWAY CONSTRUCTION — 10 - Missouri - LAB - 2,3 (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
General Laborer Carpenter Tenders; Salamander Tenders; Dump Man & Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track men and all other General Laborers	$7.00	.40	.40	.50	.10	
First Semi-Skill Air Tool Operator; Cement Handler (Bulk or Sack); Chain or Concrete Saw; Deck Hands; Dump man on Earth Fill; Grade Checkers on Cuts and Fills; Georgie Buggies Man; Material Batch Hopper Man; Scale Man; Material Mixer Man (except on Manholes, Coffer Dams, Abutments and PierHole men working below ground); Riprap Pavers Rock, Block or Brick; Signal Man; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct lines and all other pipe lines; Power Tool Operator; all work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Pudlers (paving only)	7.15	.40	.40	.50	.10	
Second Semi-Skill Crusher Feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy materials (where special protection is required); Head Pipe Layer on Sewer work; Topper of Standing trees; Batter Board man on Pipe & Ditch work; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River work; all Laborers working on underground tunnels where compressed air is not used	7.30	.40	.40	.50	.10	

AP-517 P. 12 — 10 - Missouri - LAB - 2,3 (2-2)

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Third Semi-Skill Spreader or Screed man on Asphalt Machine; Asphalt Raker; Laser Beam Man; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller, Churn Drills, Air Track Drill and all other similar drills; Cutting Torch Man; Form Setter; Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builders Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels	7.50	.40	.40	.50	.10	
Fourth Semi-Skill Manhole Builder (Brick or Block); Dynamite and Powder Men;	7.80	.40	.40	.50	.10	

"Clay, Jackson, Platte, & Ray Cos., Mo. — 10 - Missouri - TD - 2,3

Heavy & Highway Construction

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
One Team; Station Wagons; Pickups; Material, Single Axle; Tank Wagon, Single Axle	$7.39	.50	.50	.50		
Two Teams; Material, Tandem; Semi-Trailers; Winch; Fork; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon, Tandem or Semi-Trailer; Insley Wagons; Dump; Excavating, 5 cu. yds. & over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.50	.50	.50		
A-Frame; Low Boy; Boom	7.90	.50	.50	.50		
Mechanics & Welders	8.05	.50	.50	.50		
Mechanic's Helpers, Oilers & Greasers	7.165	.50	.50	.50		

Clay, Jackson, Platte, & Ray Cos., Mo.

HEAVY & HIGHWAY CONSTRUCTION

AP-517 P. 13
10 - Missouri - PEO - 2,3 (1-2)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group I						
Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boilers-2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator-2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; High Loader-Fork Lift; Hoisting Engine-2 active drums; Locomotive Operator, Standard Gauge; Mechanics and Welders, Field or Shop; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump-2; Quad-Trac; Scoop Operator-all types; Scoops in Tandem; Self-Propelled Rotary Drill(Leroy or Equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or Equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator-2	$8.50	.40	.40	.50	.10	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, Dry, Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine-1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator-Over 50 HP	8.25	.40	.40	.50	.10	

AP-517 P. 14
10 - Missouri - PEO - 2,3 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group III						
Boilers-1; Chip Spreader(Front Man); Churn Drill Operator; Compressor Maintenance Operator-1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator-Combination Boiler and Booster; Tractor, 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1	8.00	.40	.40	.50	.10	
Group IV						
Mechanic's Helper, Oiler	7.50	.40	.40	.50	.10	
Clamshells, 3-yd. capacity or over	8.75	.40	.40	.50	.10	
Crane or Rigs, 80 ft. of boom or over (including jib)	8.75	.40	.40	.50	.10	
Crane or Rigs, over 200 ft. of boom (including jib)	9.00	.40	.40	.50	.10	
Draglines, 3-yd. capacity or over	8.75	.40	.40	.50	.10	
Pile Drivers, 80 ft. of boom or over (including jib)	8.75	.40	.40	.50	.10	
Shovels, 3-yd. capacity or over	8.75	.40	.40	.50	.10	

Line Construction - 1 - c

"JACKSON, PLATTE, RAY, CLAY, & CASS COUNTIES, MISSOURI"	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LINEMAN	$7.95	.15	1%+.15		1%	
LINEMAN OPERATOR	7.50	.15	1%+.15		1%	
LINEMAN MECHANIC	6.37	.15	1%+.15		1%	
GROUNDMAN POWDERMAN	5.47	.15	1%+.15		1%	
GROUNDMAN	5.19	.15	1%+.15		1%	
GROUNDMAN (1st year)	5.79	.15	1%+.15		1%	

"WYANDOTTE & JOHNSON COUNTIES, KANSAS 20-Kansas-1-w (1-2)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$8.40	.30	.30		.02	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.325	.20	.30			
CARPENTERS:						
Carpenters; Millwrights; Piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Cement masons	6.025	.10	.15			
Composition	6.275	.10	.15			
ELECTRICIANS	7.95	.15	1%+.20	.70	.03	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.41	.35	.20	7%+c	.01	
IRONWORKERS:						
Ornamental; Reinforcing; Riggers; Structural	8.50	.40	.40	.50	.05	
LATHERS	6.75	.20				
MARBLE SETTERS	8.425	3.65%	3.25%			
MARBLE SETTERS' HELPERS	6.68					
PAINTERS:						
Painters	7.52	.20	.20			
Paperhangers	8.02	.20	.20			
All interior surfaces over 27' from the floor including structural steel; All exterior work performed on swing stages, with jacks or with belts (Over 7' above ground level); Storage bins and storage tanks (Over 7' above ground level); All work performed by air, steam, aggregate and/or sand-blasting; All work in elevator shafts above 27'; Bridges; Structural steel (exterior); Structural steel, exterior over 75' in height; Tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
PIPEFITTERS	8.02	.38	.75		.06	
PLASTERERS	6.90	.20				
PLUMBERS	8.45	.30	.40		.06	
ROOFERS	6.51	.18	.40		.04	
SHEET METAL WORKERS	8.225	.25	.25			
SOFT FLOOR LAYERS	7.09	.35	.25	7%	.05	
SPRINKLER FITTERS	8.485	.25	.40		.05	
TERRAZZO WORKERS; Tile setters	8.425	3.65%	3.25%			
TERRAZZO WORKERS' HELPERS	4.55					
TERRAZZO BASE GRINDERS	4.90					
TILE SETTERS' HELPERS	6.68					
CEMENT MASONS (Heavy & Highway Const.)	8.905	.20	.45	.50	.05	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving Day.

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays: A through F.
c. Paid Holidays: A through G.

"Johnson & Wyandotte Counties, Kansas"

KAN - 1 - TD - 1 - h

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS:						
Warehousemen and stock man	$4.175					
Flat beds	4.225					
Pick-ups	4.225					
Dump trucks, under 10 yards	4.225					
Dump trucks, 10 yards and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydro lift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truck drivers and operators	4.325					
Semi-truck drivers	4.30					
Heavy hauling, A-frame winch and fork lifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yards and over	4.375					
Transit mix, under 5 yards	4.275					
Double bottom units (20 tons cap & over)	4.425					

Johnson & Wyandotte Cos., Kans.

Kansas 20 Lab - 1 - b

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Common labor, Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalman; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)	$5.71	.30	.15			
Plumber laborers (conduit pipe, sewer work, drain tile & duck lines, digging & back filling), Power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, & Chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds	5.805	.30	.15			
Stone mason tenders; Cutting torch or burner men; Georgia buggies (self-propelled); Brick tenders; Plasterers tenders; Fork lift (up to 9 ft.); Hoseman; Insulation man	5.905	.30	.15			
Mortar men (Hod carriers); scaffolding (swinging or tubing) Hod carriers	6.00	.30	.15			
Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting & gunite nozzle men; Wagon & Churn drill operators	6.10	.30	.15			

"Johnson & Wyandotte Counties, Kansas"

KAN - 10 - PEO - 1 - h (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
"A" Frame Trucks; Boilers (1); Brooms Power Operated (all types); Chip Spreader (front man); Clef Plane Op.; Compressor (1) 105 feet or over; Concrete Saws, Self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Firemen on Rigs; Flex Plane; Floating Machine; Form Grader; Fork Lift - all types & sizes; Greaser; Hoist, Endless Chain - power operated; Hopper - Power Operated; Hydra Hammer (all types); Lad-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 H.P.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator Back Fillers; Back Hoe, all types; Barber-Greene Loader; Blade - Power, all types; Boats - Power; Boiler (2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clamshells; Combination Concrete Hoist & Mixer, such as mixer-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - tandem (any sizes); Compressors - Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane - overhead; Crusher, rock; Derricks & Derrick Cars (Power operated); Ditching Machines; Dozers; Draglines; Dredges, any type power; Gradeall; Hoist, Endless Chain-Power Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanic & Welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	
Crane-tower or climbing	7.65	.25	.25		.02	

KAN - 10 - PEO - 1 - h (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (cont'd)						
Clamshells, crane or rigs, draglines & Pile Drivers with 80 feet of boom or over (including jib)	$7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Tractors (except when hauling material) less than 50 H.P.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants:						
Crane Operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	

"Site Preparation & Grading, Heavy & Highway Construction"

100 - KAN PEO 2 - 3 - h (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group I						
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums	$8.50	.40	.40	.50	.10	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	8.25	.40	.40	.50	.10	
Group III						
Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	8.00	.40	.40	.50	.10	

100 - KAN PEC 2 - 3 - h (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Group III (Cont'd)						
Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	8.00	.40	.40	.50	.10	
Group IV						
Mechanic's Helper; Oiler	7.50	.40	.40	.50	.10	
Clamshells, 3 yards or over	8.75	.40	.40	.50	.10	
Crane or Rigs, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Crane or Rigs 200 feet of boom or over	9.00	.40	.40	.50	.10	
Dragline, 3 yards or over	8.75	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)	8.75	.40	.40	.50	.10	
Shovels, 3 yards or over	8.75	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

"Johnson & Wyandotte Cos., Kans. AP-517 P. 23

100-KAN-LAB-2-3-H (1-2)

Site, Preparation & Grading, Heavy & Highway Construction

LABORERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GENERAL LABORER						
Carpenter Tenders, Salamander Tenders, Dump Man & Ticket Takers on Stock Piles, Flagmen, Loading Trucks under Bins, Hoppers and Conveyors, Track men and all other General Laborers	7.00	.40	.40	.50	.10	
FIRST SEMI-SKILL						
Air Tool Operator, Cement Handler (Bulk or Sack), Chain or Concrete Saw, Deck Hands, Dump man on earth fill, Grade checkers on Cuts and Fills, Georgie Buggies Man, Material Batch Hopper man, Scale man, Material Mixer Man (except on Manholes, Coifer Dams, Abutments and Pier Hole men working below ground, Riprap Pavers Rock, Block or Brick, Signal man, Scaffolds over 10 ft. not self-supported from ground up, Skipman on concrete paving, Vibrator man, Wire mesh setters on concrete paving, all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines, Power Tool Operator, all work in connection with Hydaulic or General Dredging Operations, Form Setter Helpers Pudlers (paving only)	7.15	.40	.40	.50	.10	
SECOND SEMI-SKILL						
Crusher Feeder, Men Handling creosote Ties or creosote materials, Men working with and handling epoxy material or materials (where special protection is required), Head Pipe Layer on Sewer work, Topper of Standing trees, Batter Board man on Pipe & Ditch work, Feeder Man on Wood Pulverizers, Board and Willow Mat Weavers and Cable Tiers on River Work, all Laborers working on underground tunnels where compressed air is not used	7.30	.40	.40	.50	.10	
THIRD SEMI-SKILL						
Spreader or Screed man on Asphalt Machine, Asphalt Raker, Laser Beam Man, Barco Tamper, Jackson or any other similar Tamp, Wagon Driller, Churn Drills, Air Track Drills and all other similar Drills, Cutting Torch Man, Form Setters, Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc., Hot Mastic Kettleman, Hot Tar Applicator, Hand Blade Operators, Manhole Builders Helpers and Mortar Men on Brick or Block Manholes, Sand Blasting and Gunnite Nozzle Men, Rubbing Concrete, Air Tool Operator in Tunnels	7.50	.40	.40	.50	.10	

AP-517 P. 24

100-KAN-LAB-2-3-H (2-2)

LABORERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
FOURTH SEMI-SKILL						
Manhole Builder (Brick or Block), Dynamite and Powder Men, Welder, Leadman or Working Foreman, Tunnel Leadman or Working Foreman	7.80	.40	.40	.50	.10	

Kansas Line Construction #2

"Johnson & Wyandotte Cos., Kansas"

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LINE CONSTRUCTION:						
Lineman	$7.95	.15	1%+.15		½%	
Lineman operator	7.50	.15	1%+.15		½%	
Lineman mechanic	6.37	.15	1%+.15		½%	
Groundman powderman	5.47	.15	1%+.15		½%	
Groundman	5.19	.15	1%+.15		½%	
Groundman (1st year)	4.79	.15	1%+.15		½%	

Johnson & Wyandotte Counties, Kansas.

100 - Kansas TD 2, 3 d

Site Preparation & Grading, Heavy, & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$7.39	.50	.50	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.50	.50	.50		
A Frame-Low Boy-Boom truck drivers	7.90	.50	.50	.50		
Mechanics & Welders	8.05	.50	.50	.50		
Mechanics' Helpers, Oilers & Greasers	7.165	.50	.50	.50		

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO. AP-365 DATE: Date of Publication
Supersedes Decision No. AM-11,416, dated April 28, 1972, in 37 FR 8621.
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
ASBESTOS WORKERS	$7.05	.25			.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS & STONEMASONS	6.55	.15			.02	
CARPENTERS:						
Carpenters	6.05	.25	.15		.01	
Millwrights & Piledrivermen	6.30	.25	.15		.01	
CEMENT MASONS	6.00	.15				
ELECTRICIANS:						
Electricians	7.65		1%		½%	
Cable Splicers	7.775		1%		½%	
ELEVATOR CONSTRUCTORS:						
Journeymen	5.19	.17	.185	2% + a&b		
Helpers	70%JR	.17	.185	2% + a&b		
Helpers - (Probationary)	50%JR					
GLAZIERS	5.41				.01	
IRONWORKERS:						
Structural, Ornamental, Reinforcing	6.58	.25	.25		.02	
LABORERS:						
Construction laborer, Carpenter helper, Concrete laborer	4.05	.10	.20			
Mechanical tool operator, Motorized Georgia Buggy, Tenders(Brick mason, Cement & Stone, Plasterer), Mortar mixer, Sanitary tile layer, Asphalt raker	4.30	.10	.20			
Powderman	4.95	.10	.20			
LATHERS	6.45		.10	.25	.01	
MARBLE, TERRAZZO, & TILE WORKERS	5.75					
MARBLE, TERRAZZO, & TILE WORKERS' HELPERS	2.20					
PAINTERS:						
Brush	5.45		.20			
Structural Steel	5.70		.20			
Spray	6.05		.20			
PLASTERERS	6.49				.02	
PLUMBERS & PIPEFITTERS:						
Within 10 mile radius of Pulaski County Courthouse	7.30				.02	
Over 10 miles from Pulaski County Courthouse	7.60				.02	
ROOFERS:						
Roofers	5.45					
Roofers' helpers	2.00					
SHEET METAL WORKERS	6.40	.20	.20		c	
SPRINKLER FITTERS	7.05	.25	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
Pickup - light, flatbed, stake body	$1.60					
Batch, dump, semi-trailer	1.70					
A-frame, winch	2.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.
c - Apprenticeship Fund shall be $.50 per month per hourmeyman and apprentice employed.

PAID HOLIDAYS:
A - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

ARK - 1 - PEO - 1 - 1 (1-2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP I: Cranes, draglines, and shovels equipped with 100 ft. of boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by manufacturer; and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$6.65	.25	.25			
GROUP II: Cranes, draglines, and shovels equipped with less than 100 ft. of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer; all backhoes capable of a 360 degree swing; all derricks, floating, tractor or truck types; all piledrivers land or floating; all overhead and traveling cranes, all cableways; cherry pickers or tractors with boom attachments; Whirley: paving mixers with boom; grade alls; scrapers or pull in tandem; all above equipment irrespective of motive power; leaverman (engineer) hydraulic and bucket dredges, irrespective of size; mechanics and/or welders; blacksmiths	5.95	.25	.25			
GROUP III: - HEAVY EQUIPMENT OPERATORS Hydro truck crane, Multiple drum hoist, irrespective of motive power; all bulldozers, front end loaders, side booms, push tractors mounted on rubber or tracks; all single unit pull scrapers regardless of size and regardless of trade name; all motor graders; all hydraulic backhoes not capable of 360 degree swing; all trenching machines, wheels, bucket chain, or conveyor types irregardless of size or motive power; all backfillers; all central mixing plants 10S and larger and concrete spreaders; all boiler firemen high or low pressure; all asphalt spreaders; rollers and finishing machines; all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power; first assistant engineer (dredge); boat and dredge tender operator	5.65	.25	.25			

ARK - 1 - PEO - 1 - 1 (2-2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV: SEMI-HEAVY EQUIPMENT OPERATORS Single drum hoists, winches and air tuggers, irrespective of motive power; Winch or A-frame trucks, forklifts, skytracks, dirt rollers of types and pull tractors, regardless of size; elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator; conveyor; batch plant concrete mixers under 10S, pumpcrete, spray machine and pressure grout machine; Air Compressors 365 CFM and over; all dewatering pumps when used in connection with well point systems; second assistant engineer (dredge)	$4.90	.25	.25			
GROUP V: LIGHT EQUIPMENT OPERATORS All air compressors under 365 CFM; welding machines; light plants; pumps, irrespective of size, irrespective of motive power, oiler driver motor crane; Asphalt distributor; chip spreader; form grader; end dump Euclid and like equipment; third assistant engineer (dredge).	4.60	.25	.25			
GROUP VI - MISCELLANEOUS OPERATORS Equipment greaser; oiler; mechanic helper; drilling machine helper; space heaters; safety boat operator; oiler on dredge	4.25	.25	.25			

Arkansas Line Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
LINE CONSTRUCTION:						
Lineman	$7.25		1%		1/4%	
Cable splicers	7.375		1%		1/4%	
Operator	7.25		1%		1/4%	
Groundman (advanced)	65%JR		1%		1/4%	
Groundman (1st 6 months)	49%JR		1%		1/4%	
Winch equipment	73%		1%		1/4%	

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: AP-129
COUNTY: Palm Beach
DATE: Date of Publication
Supersedes Decision No. AM-8632 dated June 30, 1972 in 37 FR 13027.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.50	.25	.25			
Boilermakers	6.85	.40	.60		.01	
Bricklayers	7.90	.40	.50			
Carpenters & soft floor layers	7.45	.45	.25		.03	
Cement masons	7.90	.40	.50			
Electricians	8.10	3½%	1%	6%	1½%	
Cable splicers	8.91	3½%	1%	6%	1½%	
Elevator constructors	7.55	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.45	.25	.20			
Ironworkers, structural & ornamental	8.05	.35	.28	.50	.10	
Ironworkers, reinforcing	8.05	.35	.28	.50	.10	
Laborers:						
General	5.95	.45	.30		.01	
Mason tenders, mortar mixers, air tool operators & pipelayers	6.05	.45	.30		.01	
Lathers	7.47		.10		.025	
Line Construction:						
Linemen	7.51	3½%	1%		% of 1%	
Cable splicers	7.81	3½%	1%		% of 1%	
Winch truck operators	5.97	3½%	1%		% of 1%	
Groundmen	4.08	3½%	1%		% of 1%	
Truck drivers	4.92	3½%	1%		% of 1%	
Heavy equipment operators	7.51	3½%	1%		% of 1%	
Marble masons	7.90	.40	.50			
Millwrights	6.55		.15		.02	
Painters:						
Brush	7.27	.25	.30		.03	
Piledrivermen	6.55	.25	.15		.02	
Plasterers	7.90	.40	.50			
Plumbers	9.07	.39	.55		.16	
Power Equipment Operators:						
Cranes, derricks	3.50					
Draglines	3.25					
Hoists	3.25					
Shovels	2.50					
Trenching machines	2.00					
Bulldozers	1.92					
Distributors	1.60					
Rollers	1.60					
Pumps	1.70					
Air compressors	1.60					
Tractors	1.75					
Finishing machines	1.60					
Graders	1.60					
Mechanics	2.00					

50-Fla. L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Oiler	$1.60					
Batching plant	2.50					
Concrete spray curing machine	2.50					
Front end loaders	1.75					
Pumpcrete	1.60					
Side boom cat	1.75					
Truck crane	2.50					
Drill operator	1.75					
Roofers	6.85	.20	.25			
Sheet metal workers	8.60	.30	.25		.05	
Sprinkler fitters	8.21	.25	.40		.07	
Steamfitters	9.07	.39	.55		.16	
Stone masons	7.90	.40	.50			
Tile setters	7.90	.40	.50			
Terrazzo workers	7.90	.40	.50			
Well drillers	2.45					
Well drillers' helpers	1.75					
Truck drivers	1.60					
Air conditioning & refrigeration mechanics	9.07	.39	.55		.16	
Roofers:						
Firemen & mud mixers	4.55	.20	.25			
Helpers	4.05	.20	.25			
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.						

Footnotes:

a. Six 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 years. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CARPENTERS	$2.50					
CEMENT FINISHERS	2.26					
LABORERS:						
Unskilled	1.60					
Mechanic helpers	1.60					
Pipelayers	2.00					
IRONWORKERS, REINFORCING	1.60					
POWER EQUIPMENT OPERATORS:						
Backhoes	2.40					
Bulldozers	1.915					
Crane, derricks & dragline	2.69					
Earth mover	1.60					
Loaders	2.07					
Mechanics	2.00					
Motor grader	2.00					
Oiler - greasers	1.60					
Pumps	1.70					
Rollers	1.60					
Scrapers	1.70					
Tractors	1.75					
PLUMBERS	3.60					
AIR TOOL OPERATORS	1.60					
MANHOLE BUILDERS	2.00					
PAVING STRIPING MACHINE OPERATOR	1.85					
PAVING STRIPING MACHINE OPERATOR HELPER	1.60					

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CANALS, LEVEES, SHORE WORK AND STRUCTURES OTHER THAN BUILDING CONSTRUCTION.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
AIR TOOL OPERATORS	$1.60					
BLASTER-POWDERMAN	1.60					
BRICKLAYERS	2.40					
CARPENTERS	3.40					
CONCRETE FINISHERS	2.40					
IRONWORKERS, REINFORCING	3.00					
LABORERS	1.60					
MOTOR BOAT OPERATORS	1.60					
PAINTERS, BRUSH	2.00					
PAINTERS, SPRAY	2.50					
PILEDRIVERMEN	2.40					
PIPELAYER	1.60					
SANDBLASTERS	2.50					
TRUCK DRIVERS	1.60					
WELDERS - RECEIVE RATE PRESCRIBED FOR CRAFT PERFORMING OPERATION TO WHICH WELDING IS INCIDENTAL.						
POWER EQUIPMENT OPERATORS:						
Air compressors	1.60					
Asphalt distributors	1.60					
Asphalt paving machines	1.75					
Batching plant operators	2.50					
Bulldozer	2.00					
Cranes, derricks, draglines, backhoes, etc.	2.875					
Drill rigs	1.75					
Earth movers	1.75					
Finishing machines	2.00					
Gradall	2.875					
Loaders, front end	1.75					
Mechanics	2.00					
Mechanics helpers	1.60					
Motor graders	2.00					
Oilers	1.60					
Piledrivers	2.875					
Pumps	1.60					
Rollers	1.75					
Scrapers	2.00					
Tractors	1.75					
Trenching machines	2.00					

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Lake
DECISION NUMBER: AP-51 DATE: Date of Publication
Supersedes Decision No. AM-333 dated August 13, 1971 in 36 FR 15170
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.25	.40	.275			
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' Helpers	8.25	.50	.75	2%	.01	
Bricklayers & Stonemasons	8.90	.40	.60		.03	
Carpenters:						
Carpenters, Soft Floor Layers	8.30	.45	.625		.08	
Piledrivermen, Millwrights	8.30	.45	.625		.08	
Cement Masons:						
Building	8.15	.40	.45		.03	
Heavy	8.15	.40	.45		.03	
Electricians:						
Electricians	9.00	.36	1%+.16			
Material Handlers	4.00	.36	1%+.16			
Elevator Constructors:						
Elevator Constructors	8.75	.195	.20	2%+a&b	.005	
Helpers	6.125	.195	.20	2%+a&b	.005	
Helpers' (Probationary)	50%JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers: Structural & Reinforcing	9.32	.69	.84		.05	
Ironworkers: Ornamental	9.375	.25	.325		.05	
Lathers	8.39	.41	.345			
Leadburners	6.90	.25		c	.01	
Line Construction:						
Linemen	8.10	.25	1%		½%	
Groundmen	5.30	.25	1%		½%	
Marble Setters	8.20	.30				
Marble Setters' Helpers	7.30					
Painters:						
Painters	7.75	.325	.20			
Sign & Pictorial	5.685	.20	.10	d&e		
Sign Helpers	4.935	.20	.10	d&e		
Pipefitters	9.00	.47	.50		.02	
Plasterers	8.255	.45	.45		.03	
Plumbers	8.72	.35	.35		.07	
Roofers:						
Composition & Waterproofers	9.10	.30	.15		.02	
Slate & Tile	8.72	.18	.15		.02	
Sheet Metal Workers	8.15	.35	.34		.01	
Sprinkler Fitters:						
Within 30 Mile Radius of Chicago City Hall	8.70	.16	.40		.09	
Remainder of County	8.75	.30	.50		.05	
Terrazzo Workers	7.50					
Terrazzo Workers' Helpers & Floor Mach.	6.85					
Tile Setters	8.15	.30-5/8	.42			
Tile Setters' Helpers	6.80	.30-5/8	.325			

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. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holiday.

d. One week paid vacation after 1 year employment; 2 weeks after 3 years; and 3 weeks after 10 years.

e. Holidays: A through F and the day after Thanksgiving, on-half day Christmas Eve & one-half day Good Friday.

ILLINOIS-25-LABORERS-1-2-3 H

LABORERS: (BUILDING & HEAVY CONST.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BUILDING:						
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	$6.50	.47	.65			
Firebrick & Boiler Setter Laborers	6.825	.47	.65			
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	6.95	.47	.65			
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	6.85	.47	.65			
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	6.60	.47	.65			
Windlass and Operator	6.80	.47	.65			
Plasters Laborers	6.625	.47	.65			
Jackhammer Men, Power Driven Concrete Saws	6.725	.47	.65			
Cement Gun Nozzle Laborers (Gunnite)	6.65	.47	.65			
STREET PAVING, GRADE SEPARATION, SEWERS & WATER MAIN EXTENSIONS						
General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.50	.47	.65			
Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	6.85	.47	.65			
Second Bottom Men	6.725	.47	.65			
Tampers, Smoothers & Cement Gun Laborers	6.575	.47	.65			
Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders	6.775	.47	.65			

ILLINOIS 3 - PEO I

POWER EQUIPMENT OPERATORS - Building:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Asphalt plant, asphalt spreader, autograd, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines	$9.55	.40	.50	.20	.02	
CLASS II						
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks greaser engineer, highlift shovels or front endloaders under 2¼ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A"-frame	8.30	.40	.50	.20	.02	
CLASS III						
Air compressor - small 125 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 125, combination - small equipment opr., generators under & over 50KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	7.30	.40	.50	.20	.02	
CLASS IV						
Oilers	6.15	.40	.50	.20	.02	

HEAVY CONCSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt, loader Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker (Truck Mounted) Concrete Conveyor, Concrete paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader Elevating type, Gradall & machines of a like nautre, Grader Elevating Hosits; 1, 2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram (requiring frequent lubrication & water) Rock Dril-crane type, Slip-Form Paver, Straddle Buggies, Tractor woth boom, Tractaire-with attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$8.80	.40	.40	.10	.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Hghlift Shovels or						

POWER CONTRUCTION OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Front-End Loader, Hydraulic Boom Trucks (All Attachments) Locomotives, Dinky; Pump Cretes; Squeeze cretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill (Self-propelled) Rototiller, seaman, etc., self-propelled, Scoops-Tractor Drawn, Self-Peopelled Compactor, Spreaders-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc. Tug Boats	$8.30	.40	.40	.10	.02	
CLASS III						
Boilers, Boiler & Throttle Valve, Brooms; (All power prolled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer (2 bag & over) Conveyor; Portable, Fireman on Boilers Forklift Trucks Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; hoiats Tugger Single Drum, Jeep Diggers, Pipe Jacking Machines Post Hole Digger, Power Saw, Concrete power dirven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	7.80	.40	.40	.10	.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All (1 through 5) Pumps (All), Pumps Well Points, Tractiare, Welding Machines (2 through 6)	6.85	.40	.40	.10	.02	
CLASS V						
Oilers						
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached there to Addt'l. $1.00 to Class II hourly rate for each hour)	5.85	.40	.40	.10	.02	

Illinois 7-TD 1-2-3 I 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS: Building, Hvy.						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$6.20	a12.00	a16.00			
4 axle trucks	6.35	a12.00	a16.00			
5 axle trucks	6.55	a12.00	a16.00			
6 axle trucks	6.75	a12.00	a16.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
Car & truck washers	6.05	a12.00	a16.00			
Dispatcher	6.30	a12.00	a16.00			
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
Master mechanic	6.75	a12.00	a16.00			
Dumpsters, track trucks, euclids, bug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	6.35	a12.00	a16.00			
Over 16 cubic yards	6.55	a12.00	a16.00			
Mechanic	6.40	a12.00	a16.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

Illinois 7-TD 1-2-3 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$7.70	.35	.35	a		
Tool Dresser, Helper	7.30	.35	.35	a		

FOOTNOTE:

a. Six (6) paid Holidays: New Year's Memorial Day; Independence Day; Labor Day; Thankgiving Day; Christmas Day.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: WILL
DECISION NUMBER: AP-68 DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-341 dated August 13, 1971 in 36 FR 15213
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
Bricklayers & Stonemasons	9.50	.30				
Carpenters: (Building)						
Carpenters & Soft Floor Layers	9.00	.25	.74			
Millwrights & Piledrivermen	9.00	.25	.74			
Carpenters & Piledrivermen (Heavy)	6.20	.20	.45			
Cement Masons	8.90	.30	.25		.02	
Electricians	9.50	.25	1%+.20	3%	.1%	
Glaziers	7.65	.16	.25			
Ironworkers, Structural, Ornamental & Reinforcing	9.20	.81	.125		.02	
Lathers	5.50		.10			
Leadburners	6.90	.30		a	.01	
Line Construction:						
Linemen	9.50	.25	1%+.20	3%	.1%	
Cable Splicer	9.90	.25	1%+.20	3%	.1%	
Groundmen	8.50	.25	1%+.20	3%	.1%	
Painters:						
Residential & Commercial	8.00	.25	.15			
Bridges w/o a superstructure and Industrial work under 40'	8.50	.25	.15			
Bridges with a superstructure or lift type bridges & Industrial work over 40'	9.00	.25	.15			
Plumbers:						
Within the City Limits of Joliet	8.15	.27	.30		.05	
Remainder of County	9.27	.40	.30		.05	
Pipefitters:						
Within the City Limits of Joliet	8.15	.27	.30		.05	
Remainder of County	9.00	.47	.50		.02	
Plasterers	8.395	.40	.25		.045	
Roofers	6.53		.20	2%		
Sheet Metal Workers	6.99	.15	.15			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo Workers	7.50					
Terrazzo Workers' helpers & floor machine	6.85					
Base machine operator	7.10					
Tile Setters	8.15	.30-5/8	.42			
Tile Setters' helpers	6.80	.30-5/8	.325			

AP-68 P. 3 ILLINOIS 8-LAB-1-2-3 V 1 of 3

LABORERS: (BUILDING & HEAVY CONST.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more velow ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level, all laborers on swinging & suspended scaffolds, chimney * silo laborers working at a height of 48 to 100 ft. all tamping hammers over 150 lbs., all laborers working inside of the sphere or any type to make of tank at a height of 48 ft. to 110 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$7.00	.47	.65			
Chimney & silo laborers for every additional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						
All laborers working on swinging-suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						

AP-68 P. 4 ILLINOIS 8-LAB-1-2-3 2 of 3

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$6.95	.47	.65			
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pump-crete pipe handlers	6.85	.47	.65			
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	7.25	.47	.65			
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.50	.47	.65			
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basis & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers aire-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, cahin & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap; electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except roaf form setting						

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LABORERS - Continued	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Steeting center strips, contraction & expansion joints (road work), unloading & handling therof of the following, brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type of amke of scaffolding one foot to 48 ft., all laborers working of rank-minimum rate, all alborers working inside a sphere or any type or amke of tank from bottom to a height of 48 ft.-minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete of asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic eletric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flag men on all const., work defined herein, cleaning of cebris, removal of trees, concrete curing, temporary concrete protection, regardless of amnner or materials used, truck helpers, wrecking & demolition laborers all landscaping, laying or sod, and planting of trees	$6.75	.47	.65			

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ILLINOIS-14-PEO-1 H

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
CLASS I						
Asphalt plant, asphalt spreader, autograde, batch plant, benoto, (requires 2 engineers) boiler & throttle valve, caisson rigs, central redi-mix plant combination back hoe front endloader machine, compressor & throttle valve, concrete breaker (truck mounted) concrete conveyor, concrete paver over 27E cu. ft., Concrete paver 27E cu. ft. & under, concrete placer, conc-tower, cranes (all), cranes, hammerhead, derricks, (all), derricks travelling, grader, elevating Grouting machines, highlift shovels, or front endloader 2¼ yds., & over, hoists, 1, 2, & 3 drum, hoists 2 tugger 1 floor, hydraulic boom trucks locomotives (all), motor patrol, piledrivers & skid rig, post hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water) pump cretes, squeeze cretescrew type pumps, gypsum bulker & pump, rock drill (truck mounted) scoops, tractor boom & side boom, trenchines, mechanics	$9.05	.40	.50	.20	.02	
CLASS II						
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag and over) conveyor, portable forklift trucks, greaser engineer, highlift shovels of front endloaders under 2¼ yds., hoists, automatic hoists, all elevators hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors (all) winch trucks w/a "A" Frame	7.90	.40	.50	.20	.02	
CLASS III						
Air compressor, small 125 & under (1 to 5 not to exceed a total of 300 ft.) Air compressor, large over 125, combination, small equipment op. generators-large over 50kw, heaters mechanical, pumps over 3" (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5) winches 4 small electric drill winches	7.00	.40	.50	.20	.02	
CLASS IV						
Oilers	5.90	.40	.50	.20	.02	

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HEAVY CONCSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt, loader Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker (Truck Mounted) Concrete Conveyor, Concrete paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader Elevating type, Gradall & machines of a like nature, Grader Elevating Hosits; 1, 2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram (requiring frequent lubrication & water) Rock Dril-crane type, Slip-Form Paver, Straddle Buggies, Tractor woth boom, Tractaire-with attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$8.80	.40	.40	.10	.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Hghlift Shovels or						

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POWER CONTRUCTION OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Front-End Loader, Hydraulic Boom Trucks (All Attachments) Locomotives, Dinky; Pump Cretes; Squeeze cretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill (Self-propelled) Rototiller, seaman, etc., self-propelled, Scoops-Tractor Drawn, Self-Peopelled Compactor, Spreaders-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc. Tug Boats	$8.30	.40	.40	.10	.02	
CLASS III						
Boilers, Boiler & Throttle Valve, Brooms; (All power prolled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer (2 bag & over) Conveyor; Portable, Fireman on Boilers Forklift Trucks Greaser Engineer, Grouting Machine Hoists Automatic, Hoists All Elevators; hoiats Tugger Single Drum, Jeep Diggers, Pipe Jacking Machines Post Hole Digger, Power Saw, Concrete power dirven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	7.80	.40	.40	.10	.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All (1 through 5) Pumps (All), Pumps Well Points, Tractiare, Welding Machines (2 through 6)	6.85	.40	.40	.10	.02	
CLASS V						
Oilers Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached there to Addt'l. $1.00 to Class II hourly rate for each hour)	5.85	.40	.40	.10	.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: (Building & Heavy) Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$6.20	a12.00	a16.00			
4 axle trucks	6.35	a12.00	a16.00			
5 axle trucks	6.55	a12.00	a16.00			
6 axle trucks	6.75	a12.00	a16.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
Car & truck washers	6.05	a12.00	a16.00			
Dispatcher	6.30	a12.00	a16.00			
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
Master mechanic	6.75	a12.00	a16.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	6.35	a12.00	a16.00			
Over 16 cubic yards	6.55	a12.00	a16.00			
Mechanic	6.40	a12.00	a16.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

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Ill. - 16 - Well Drillers, - PEO-2- D

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$7.70	.35	.35	a		
Tool Dresser, Helper	7.30	.35	.35	a		

FOOTNOTE:

a. Six (6) paid Holidays: New Year's Memorial Day; Independence Day; Labor Day; Thankgiving Day; Christmas Day.

SUPERSEDEAS DECISION

AP-366 - P. 2

STATE: Louisiana PARISH: Calcasieu
DECISION NO.: AP-366 DATE: Date of Publication
Supersedes Decision No. AP-303, dated July 28, 1972 in 37 FR 15227
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

(1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25	.30	.20		.02	
CARPENTERS:						
Carpenters	6.30	.25	.13		.04	
Millwrights	7.23				.04	
Piledrivermen	6.31				.02	
CEMENT MASONS	6.07					
ELECTRICIANS:						
Electricians	7.55	.25	1%+.10			
Cable splicers	7.80	.25	1%+.10			
GLAZIERS	4.65					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.00	.15	.15		.025	
LABORERS:						
Laborers	4.71	.15	.10			
Air tool operator (except jackhammer)	4.81	.15	.10			
Mason tenders	4.71	.15	.10			
Mortar mixers & jackhammer operators	4.86	.15	.10			
Pipelayers (concrete & clay)	4.955	.15	.10			
Plasterers' tenders	4.71	.15	.10			
LATHERS	6.00	.125			.01	
MARBLE SETTERS	7.25	.30	.20		.02	
PAINTERS:						
Brush, wood or wall	5.70					
Brush, steel; Buffer, wood & wall	5.825					
Paperhanging; Taping & floating	5.90					
Spray, wood & wall; rollers	6.045					
Steeplejacks; sandblasting; spider operators; rubberizing & pyroflexing; steam jennies; spray, steel	6.185					
Bridge work; water towers	7.49					
Taping & floating machines	11.07					
PLASTERERS	6.49					
PLUMBERS & PIPEFITTERS	7.00	.42	.32		.06	
ROOFERS	5.90		.10			
ROOFERS' HELPERS	4.60		.10			
SHEET METAL WORKERS	7.42		.15		.04	
SOFT FLOOR LAYERS	6.30	.25	.13		.04	
TERRAZZO WORKERS	7.25	.30	.20		.02	
TILE SETTERS	5.55		.20			

(2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Pick-ups	$4.65					
Stake bodies (all sizes)	5.06					
Trucks trailer & dumps over 8 yds.	5.26					
Mixers on trucks up to and including 3 yds.	5.07					
Mixers on trucks over 3 yds.	5.26					
Winch trucks	5.17					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment up to and including 8 yds.	5.26					
Trucks - dump	5.09					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment over 8 yds.	5.46					
Warehousemen	5.26					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AP-366 P. 3 LA. 4 - PEO - 1 n (1 - 2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS						
Asphalt Spreaders; Backhoes (all types); Bulldozers; Cable Ways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drum or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on structures other than buildings; Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator - Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete - 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats - requiring licensed operator	$7.08	.10	.15			
MEDIUM DUTY OPERATORS						
Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat - not requiring licensed operator; Finishing Machines	6.265	.10	.15			

AP-366 P. 4 LA. 4 - PEO - 1 n (2 - 2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LIGHT DUTY OPERATORS						
Bush Hog; Compressors; Concrete pumps - under 6" discharge; Concrete saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type Tractors (when used to pull discs, grasscutters, etc.); Test Pump - Internal combustion engine powered; Ditching or trenching machines (non riding type); Water Blast Pumps; Hoist (1 drums under 4 stories)	$5.84	.10	.15			
Combination Oiler-Fireman	7.08	.10	.15			
Combination Oiler-Compressor Operator	7.08	.10	.15			
Batch Plant Operator	5.39	.10	.15			
Fireman	5.61	.10	.15			
Mechanic Helper	5.24	.10	.15			
Oiler	5.08	.10	.15			
Oiler-Driver on Motor Crane	5.39	.10	.15			
Pumps under 3 inch suction	5.24	.10	.15			
Scale Operator	5.39	.10	.15			

STATE: Louisiana
DECISION NO.: AP-367
PARISH: Calcasieu
DATE: Date of Publication
Supersedes Decision No. AP-302, dated July 28, 1972 in 37 FR 15225
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

(1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others 1/
ASBESTOS WORKERS	$7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25	.30	.20		.02	
CARPENTERS:						
Carpenters	6.30	.25	.13		.04	
Millwrights	7.23				.04	
Piledrivermen	6.31				.02	
CEMENT MASONS	6.07					
ELECTRICIANS:						
Electricians	7.55	.25	1%+.10			
Cable splicers	7.80	.25	1%+.10			
GLAZIERS	4.65					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.00	.15	.15		.025	
LABORERS:						
Laborers	4.71	.15	.10			
Air tool operator (except jackhammer)	4.81	.15	.10			
Mason tenders	4.71	.15	.10			
Mortar mixers & jackhammer operators	4.86	.15	.10			
Pipelayers (concrete & clay)	4.955	.15	.10			
Plasterers' tenders	4.71	.15	.10			
LATHERS	6.00	.125			.01	
MARBLE SETTERS	7.25	.30	.20		.02	
PAINTERS:						
Brush, wood or wall	5.70					
Brush, steel; buffer, wood & wall	5.825					
Paperhanging; taping & floating	5.90					
Spray, wood & wall; rollers	6.045					
Steeplejacks; sandblasting; spider operators; rubberizing & pyroflexing; steam jennies; spray, steel	6.185					
Bridge work; water towers	7.49					
Taping & floating machines	11.07					
PLASTERERS	6.49					
PLUMBERS & PIPEFITTERS	7.00	.42	.32		.06	
ROOFERS	5.90		.10			
ROOFERS' HELPERS	4.60		.10			
SHEET METAL WORKERS	7.42		.15		.04	
SOFT FLOOR LAYERS	6.30	.25	.13		.04	
TERRAZZO WORKERS	7.25	.30	.20		.02	
TILE SETTERS	5.55		.20			

(2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Pick-ups	$4.65					
Stake bodies (all sizes)	5.06					
Trucks trailer & dumps over 8 yds.	5.26					
Mixers on trucks up to and including 3 yds.	5.07					
Mixers on trucks over 3 yds.	5.26					
Winch trucks	5.17					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment up to and including 8 yds.	5.26					
Trucks - dump	5.09					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment over 8 yds.	5.46					
Warehousemen	5.26					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AP-367 P. 3 LA. 4 - PEO - 1 n (1 - 2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS						
Asphalt Spreaders; Backhoes (all types); Bulldozers; Cable Ways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drum or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on structures other than buildings; Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator - Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete - 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats - requiring licensed operator	$7.08	.10	.15			
MEDIUM DUTY OPERATORS						
Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat - not requiring licensed operator; Finishing Machines	6.265	.10	.15			

AP-367 P. 4 LA. 4 - PEO - 1 n (2 - 2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LIGHT DUTY OPERATORS						
Bush Hog; Compressors; Concrete pumps - under 6" discharge; Concrete saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type Tractors (when used to pull discs, grasscutters, etc.); Test Pump - Internal combustion engine powered; Ditching or trenching machines (non riding type); Water Blast Pumps; Hoist (1 drum under 4 stories)	$5.84	.10	.15			
Combination Oiler-Fireman	7.08	.10	.15			
Combination Oiler-Compressor Operator	7.08	.10	.15			
Batch Plant Operator	5.39	.10	.15			
Fireman	5.61	.10	.15			
Mechanic Helper	5.24	.10	.15			
Oiler	5.08	.10	.15			
Oiler-Driver on Motor Crane	5.39	.10	.15			
Pumps under 3 inch suction	5.24	.10	.15			
Scale Operator	5.39	.10	.15			

SUPERSEDEAS DECISION

AP-367 P. 5

SUPERSEDEAS DECISION

AP-364 - P. 2

STATE: Oklahoma COUNTY: Tulsa
DECISION NO: AP-364 DATE: Date of Publication
Supersedes Decision No. AP-316, dated August 25, 1972, in 37 FR 17358.
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

11-Oklahoma-1-w (1 of 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	1/ Other
Asbestos workers	$7.70		.20		.015	
Boilermakers	6.80	.30	.50		.02	
Bricklayers; Stonemasons	6.96	.30	.40	.33	.04	
Carpenters	6.41	.25	.25		.03	
Cement Masons:						
Cement Masons	6.07			.70	.06	
Power tool operator	6.32			.70	.06	
Electricians	6.50	.35	1%+.13	.30	.06	
Cable splicers	6.75	.35	1%+.13	.30	.06	
Elevator constructors	6.23	.175	.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob. 6 mos.)	50%JR					
Glaziers	5.875		.30		.01	
Ironworkers:						
Structural; Ornamental; Reinforcing	7.44	.30	.25		.04	
Laborers:						
Laborers	5.00	.10	.10			
Air tool op. (jackhammer, vibrator); Mason tender; Mortar mixers; Pipelayers (concrete & clay); Plasterers tenders	5.20	.10	.10			
Wagon drill operator	5.40	.10	.10			
Powderman or Blaster	5.85	.10	.10			
Lathers	6.50		.10		.01	
Marble setters	4.95	.25	.10	.25	.05	
Millwrights	6.71	.15			.03	
Painters:						
Brush	6.05		.25	.20	.02	
High work & stage	6.45		.25	.20	.02	
Spray & sandblasting	6.70		.25	.20	.02	
Hot or Bituminous	7.35		.25	.20	.02	
Sheetrock handtools	6.05		.25	.20	.02	
Sheetrock Power tools	6.40		.25	.20	.02	
Hazardous work	8.25		.25	.20	.02	
Piledriverman	6.71	.15			.03	
Pipefitters	7.51	.35	.40		.05	
Plasterers	6.45				.01	
Plumbers	7.51	.35	.40		.05	

11 - Oklahoma - 1 w (2 of 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Roofers	$6.25		.25		.04	
Sheet Metal workers	7.36	.30	.40		.06	
Soft floor layers	5.12		.15	.18	.03	
Sprinkler fitters	8.35	.30	.50		.05	
Terrazzo workers	6.65					
Terrazzo workers' & tile layers; helper	5.30					
Terrazzo workers' helpers floor machine operator	5.40					
Terrazzo workers' helpers base machine operator	5.60					
Tile layers	6.65					
Truck drivers:						
Truck drivers, including pick-up 1-½ tons or 2½ yds. up to but not including 3 tons or 4 yds. such as dump trucks, flat beds, stake body or bus driver	5.58					
3 tons or 4 yds. up to but not including 4 tons or 6 yds.	5.63					
5 tons or 6 yds. and over, including heavy equipment	5.73					
Truck drivers' helpers	5.53					
Tractor-trailer and similar equipment	5.73					

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays - A through F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

77 - Okla - PEO 1 G (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.25	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.00	.35	.25		.07	
Motor Patrol (Blade); Dozer (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21, & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	6.75	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding Machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, Building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixers; Farm Tractor - with or without attachments; Conveyor Operator - dual, continuous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.50	.35	.25		.07	
Operator for rotary drilling machines when operated from console or machine	6.50	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air Compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continuous Belt Bulk Handling	6.00	.35	.25		.07	

77 - Okla - PEO 1 3 G (2-2)

POWER EQUIPMENT OPERATOR (CONT'D):	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Greaser; Tilt Top Trailer Operator	6.10	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	5.80	.35	.25		.07	
Track crane oiler or Truck crane driver	5.70	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						

OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$6.50		1%		½%	
Cable splicers	6.94		1%		½%	
Hole digger operator	5.91		1%		½%	
Heavy equipment operator (or pole cats equivalent)	5.91		1%		½%	
Line truck driver (winch op.)	5.35		1%		½%	
Jackhammer man	4.88		1%		½%	
Powdermen	5.91		1%		½%	
Truck driver (flat bed, ton and half and under)	4.60		1%		½%	
Groundmen	4.35		1%		½%	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Harris
DECISION NO.: AP-368 DATE: Date of Publication
Supersedes Decision No. AP-350, dated September 29, 1972 in 37 FR 20506
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

14 - Texas - 1 o (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.20	.275	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37		.05	
ELECTRICIANS	7.65	.25	1%+.15		.015	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.875	.25	.15		.02	
Pipelayers (concrete and clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operator	4.875	.25	.15		.02	
Lather tender	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well driller helpers	4.825	.25	.15		.02	
Blaster, powdermen	5.125	.25	.15		.02	
Plaster tender & hod carrier	4.975	.25	.15		.02	
LATHERS	6.75	.20	.15		.02	
PAINTERS:						
East Harris County:						
All brush painting, hand roller	7.08					
All spray painting, sandblasting, waterblasting	7.455					
Steeple jack work, hot materials	7.705					
Remainder of County:						
Brush	6.11	.275	.30	.30	.03	
Roller, Steam cleaning, pneumatic tools	6.11	.275	.30	.30	.03	
Spray	6.485	.275	.30	.30	.03	
Sandblasting-waterblasting	6.485	.275	.30	.30	.03	
Steeple jack work, hot materials	6.735	.275	.30	.30	.03	

14 - Texas - 1 o (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PIPEFITTERS	$7.325	.275	.50		.04	
PLASTERERS	6.825	.27	.30		.02	
PLUMBERS	6.95	.22	.42	.50	.05	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettlemen	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	7.285	.225	.375	.20	.025	
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TILE SETTERS, MARBLE MASONS, MOSAIC & TERRAZZO WORKERS	5.00					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractors; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AP-368 P. 3

14 - Texas - PEO - 1 L (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Drag-lines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driver, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

AP-368 P. 4

14 - Texas - PEO - 1 L (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.46	.30	.30		.01	

4 - Texas - LC 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.87	.28	1%		1/2%	

AP-368 P. 5

14 - Texas - 3 g (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$3.00					
Asphalt Heaterman	3.00					
Asphalt Raker	2.75					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.00					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.75					
Concrete Finisher Helper(Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.65					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	2.75					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.80					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.75					
Mechanic	3.75					
Mechanic Helper	3.15					
Oiler	3.25					
Serviceman	3.25					
Painter (Structures)	4.50					
Painter Helper (Structures)	3.00					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.25					
Pneumatic Mortarman	2.75					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter(Structures)	3.75					
Reinforcing Steel Setter Helper	2.55					
Steel Worker Structural	3.35					
Steel Worker Helper (Structural)	2.75					
Sign Erector	3.00					
Spreader Box Man	3.25					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.75					

AP-368 P. 6

14 - Texas - 3 g (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Broom or Sweeper Operator	$3.00					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.75					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.75					
Concrete Paving Joint Machine	3.10					
Concrete Paving Mixer	4.00					
Concrete Paving Spreader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Crusher or Screening Plant Operator	4.10					
Front End Loader(2½ C.Y. and Less)	3.45					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.60					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.90					
Tractor (Crawler Type) over 150 H.P.	3.45					
Tractor (Pneumatic) 80 H.P. and Less	2.65					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	2.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.95					
Tandem Axle ot Semitrailer	2.50					
Lowboy-Float	3.25					
Transit-Mix	2.75					
Winch	2.75					
Welder	4.00					
Welder Helper	3.25					

SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: AP-254
COUNTIES: Statewide
Date: Date of Publication
Supersedes Decision No. AP-209 dated August 4, 1972 in 37 FR 15834
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

18-UTAH-1-2-3-p (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	✓ Other
Asbestos Workers	$7.71	.35	.42			
Boilermakers	6.95	.60	1.00	.50	.02	
Bricklayers	7.48	.24	.22		.01	
Carpenters:						
Carpenters:						
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.05	.30	.35	.25	.03	
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.80	.30	.35	.25	.03	
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.925	.30	.35	.25	.03	
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.05	.30	.35	.25	.03	
Saw Filers; Saw Ops., & Carpenters handling creosote material:						
Zone 1	7.175	.30	.35	.25	.03	
Zone 2	7.925	.30	.35	.25	.03	
Zone 3	8.05	.30	.35	.25	.03	
Zone 4	8.175	.30	.35	.25	.03	
Millwrights (all zones)	7.30	.30	.35	.25	.03	
Acoustical Carpenters (all zones)	8.05	.30	.35	.25	.03	
Cement Masons:						
Cement masons	7.07	.15	.35	.25		
Machine op.; Mastic floor materials; Spark proofing; Scaffold (20-40 ft.)	7.195	.15	.35	.25		

18-UTAH-1-2-3-p (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Drywall Installers:						
Taping, finishing and texturing (hand or machine)	$7.00	.16	.12	.13	.02	
Electricians:						
Zone I						
Cache-Davis Counties (north of 41st parallel)-Weber County:						
Electricians	8.05	.25	1%		1%	
Cable Splicers	8.30	.25	1%		1%	
Zone II						
Box Elder County (east of 112.5° longitude)-Morgan County:						
Electricians	9.05	.25	1%		1%	
Cable Splicers	9.30	.25	1%		1%	
Zone III*						
Box Elder County (west of 112.5° longitude)-Rich County:						
Electricians	9.80	.25	1%		1%	
Cable Splicers	10.05	.25	1%		1%	
*Electrical contracts not exceeding $10,000.00 in Zones II and III and $50,000 within the Brigham City Limits, Zone I rates shall apply.						
Salt Lake County & that portion of Davis County Lying south of the 41st parallel; and that portion of Utah County lying north of the 40th parallel.						
10 mi. East or West from Insterstate Hwy. #15:						
Electricians	8.05	.25	1%		8/10%	
Cable Splicers	8.30	.25	1%		8/10%	
Over 10 mi. East or West from Interstate Hwy. #15:						
Electricians	8.55	.25	1%		8/10%	
Cable Splicers	8.80	.25	1%		8/10%	
Remainder of State:						
Electricians	10.05	.25	1%		8/10%	
Cable Splicers	10.30	.25	1%		8/10%	
Elevator Constructors	6.16	.185	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.185	.20	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	6.20	.16		.48		
Ironworkers:						
Ornamental-Reinforcing-Fence Erector-Structural	7.08	.40	.65		.05	

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18-UTAH-1-2-3-p (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$6.39	.25	.40		.01	
Line Construction:						
Cable Splicers	7.26	.25	1%		½%	
Linemen	6.61	.25	1%		½%	
Line Equipment Operators	5.87	.25	1%		½%	
Head Groundmen	5.10	.25	1%		½%	
Groundmen	4.61	.25	1%		½%	
Painters:						
Area North of 41st parallel:						
Brush	5.84	.16	.12		.01	
Spray	6.04	.16	.12		.01	
Steeple Jack Work	6.24	.16	.12		.01	
Remaining part of State:						
Brush; Roller	5.77	.16	.18		.02	
Brush, Swing stage; Brush, steel and bridge; Spray; Sandblaster; Steeple jack; Wall covering hanger	6.02	.16	.18		.02	
Spray, Swing stage; Spray, steel; Bridge; Sandblaster, Swing stage	6.27	.16	.18		.02	
Piledrivermen:						
Bridge, wharf, & dock carpenters, riggers, boom men	8.23	.15	.25	.15	.02	
Plasterers	7.22	.15	.25		.01	
Plumbers; Pipefitters:						
Zone 1 - 15 mi. radius from center of each city, namely salt Lake City, Ogden and Provo	7.06	.31	.30		.04	
Zone 2 - Zone 1 plus 15 miles	7.36	.31	.30		.04	
Zone 3 - Zone 2 plus 15 miles	7.71	.31	.30		.04	
Zone 4 - All areas beyond Zone 3	8.56	.31	.30		.04	
Refrigeration & Air Conditioning:						
50 tons or over:						
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	6.68	.21	.25		.04	
Zone 2 - Zone 1 plus 15 miles	6.98	.21	.25		.04	
Zone 3 - Zone 2 plus 15 miles	7.33	.21	.25		.04	
Zone 4 - All areas beyond Zone 3	8.18	.21	.25		.04	
Under 50 tons:						
All Zones	5.85	.21	.25		.02	
Roofers	6.35	.15	.15			
Sheet Metal Workers	6.78	.24	.20		.02	
Soft Floor Layers	6.40	.16	.12			
Sprinkler Fitters	7.95	.30	.50		.05	

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18-UTAH-1-2-3-p (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo Workers	$5.90			.20		
Tile Setters	5.90			.20		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. 6 Paid Holidays: A through F.

LABORERS That area in the State of Utah within 45 road miles of the county seats excluding Daggett County:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	5.055	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.18	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.305	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.43	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	5.78	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.18	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.28	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	5.38	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor; Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.48	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	5.78	.25	.25	.15	.04	

LABORERS

That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County:

UTAH-2-LAB-1-2-3-h)1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.805	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.93	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

UTAH-2-LAB-1-2-3-h (2-2)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$6.055	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	6.18	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	6.53	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.98	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	6.03	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	6.13	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	6.23	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	6.53	.25	.25	.15	.04	

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Assistant to Engineer (Oiler)	$7.05	.57	.725	.30	.10	
GROUP 2						
Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	7.36	.57	.725	.30	.10	
GROUP 3						
Compressors, Generators &/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.17	.57	.725	.30	.10	
GROUP 4						
Heavy Duty Repairman; Tractor Op.	8.29	.57	.725	.30	.10	
GROUP 4-A						
Combination Heavy Duty Repairman; Welder	8.52	.57	.725	.30	.10	
GROUP 5						
"A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	8.91	.57	.725	.30	.10	
GROUP 6						
Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway Mobile; Universal Liebher & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	9.24	.57	.725	.30	.10	

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
(a) Assistant to Engineer (Fireman, Oiler, Deckhand	$6.69	.57	.725	.30	.10	
(b) Compressor Operator (Electrically, gas or diesel powered, etc.)	6.96	.57	.725	.30	.10	
(c) Truck Crane Oiler	7.08	.57	.725	.30	.10	
GROUP 2						
(a) Operator of Tugger Hoist (Hoisting materials only)	7.59	.57	.725	.30	.10	
(b) Compressor Operator (2 to 6) (Electrically, gas or diesel powered); Generator Op. (electr (electrically, gas or diesel driven, 100 K.W.); Pump Op. (2 to 6); Welding Machine Op. (2 to 6) (Gas or diesel powered)	7.76	.57	.725	.30	.10	
GROUP 3						
"A" Frames; Deck Engineer; Fork Lift Operator; Self propelled Boom Type Lifting Device	8.00	.57	.725	.30	.10	
GROUP 3-A						
Heavy Duty Repairman and/or Welder	8.31	.57	.725	.30	.10	
GROUP 4						
Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	8.76	.57	.725	.30	.10	
GROUP 5						
Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Op. or steam powered crawler or Universal Type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons (Hoisting material or performing piledriving work)	$8.88	.57	.725	.30	.10	

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Utah-1-PEO 1-2-3-h (1-4)

AREA *	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I						
CHAINMAN; Rodman	6.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	6.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	6.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c. y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	6.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	6.84	.57	.725	.30	.10	

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Utah-1-PEO 1-2-3- h (2-4)

AREA * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	7.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller						

AREA * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Operator or self-propelled compactor	7.38	.57	.725	.30	.10	
GROUP VII-A						
SIDE BOOM OPERATOR: Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	7.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - finegrader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	7.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	7.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	7.85	.57	.725	.30	.10	

AREA * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10.20 etc., (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y., up to and including 12 c.y. Struck MRC)	8.00	.57	.725	.30	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile	8.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	9.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	9.65	.57	.725	.30	.10	

AREA **

Utah-2-PEO 1-2-3-h (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
CHAINMAN; Rodman	$7.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman - Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	7.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	7.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	7.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	7.84	.57	.725	.30	.10	

Utah-2-PEO 1-2-3-h (2-4)

AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$8.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	8.38	.57	.725	.30	.10	

Utah-2-PEO 1-2-3-h (3-4)

AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$8.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	8.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	8.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunnite) Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	8.85	.57	.725	.30	.10	

Utah-2-PEO 1-2-3-h (4-4)

AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10.20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$ 9.00	.57	.725	.30	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	9.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	10.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	10.65	.57	.725	.30	.10	

AREA I * TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$6.50	.40	.30	.30		
8 yds. & less than 14 yds.	6.65	.40	.30	.30		
14 yds. & less than 35 yds.	6.80	.40	.30	.30		
35 yds. & less than 55 yds.	7.00	.40	.30	.30		
55 yds. & less than 75 yds.	7.20	.40	.30	.30		
75 yds. & less than 95 yds.	7.40	.40	.30	.30		
95 yds. & less than 105 yds.	7.60	.40	.30	.30		
Over 105 yds.	7.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	6.325	.40	.30	.30		
Less than 10 tons	6.40	.40	.30	.30		
10 tons & less than 15 tons	6.55	.40	.30	.30		
15 tons & less than 20 tons	6.65	.40	.30	.30		
20 tons & over	6.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

AREA I * Cont'd TRUCK DRIVERS Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	$ 6.525	.40	.30	.30		
Over 4½ yds. capacity to & incl. 6½ yds.	6.625	.40	.30	.30		
Over 6½ yds.	6.725	.40	.30	.30		
Concrete pumping trucks	6.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	6.375	.40	.30	.30		
1200 to 2500 gals.	6.50	.40	.30	.30		
2500 to 4000 gals.	6.65	.40	.30	.30		
4000 to 6000 gals.	6.95	.40	.30	.30		
6000 gals. to less than 10,000	7.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	7.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	7.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	7.95	.40	.30	.30		
Over 25,000 gals.	8.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	6.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	6.70	.40	.30	.30		
Truck Driver Helper	6.275	.40	.30	.30		
Chauffeurs	6.275	.40	.30	.30		
Bunkers & Truck Loaders	6.40	.40	.30	.30		
Warehousemen (Counter Clerk)	6.45	.40	.30	.30		
Warehousemen	6.325	.40	.30	.30		
Washers, Greasers & Tiremen	6.475	.40	.30	.30		
Gas Station Attendants	6.275	.40	.30	.30		
Fork Lift (Over 6 tons)	6.80	.40	.30	.30		
Material Engineer	6.62	.40	.30	.30		

AREA I * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS Cont'd						
CONSTRUCTION JOB SERVICEMEN: (cont'd)						
Teamster Mechanic	$7.51	.40	.30	.30		
Teamster Mechanic helper	7.26	.40	.30	.30		
Teamster Welder	7.51	.40	.30	.30		
Teamster Driving Two Horses	7.275	.40	.30	.30		
Teamster Driving Three or More Horses	7.375	.40	.30	.30		
Sweeper or vacuum truck	6.65	.40	.30	.30		

AREA 2**	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$7.50	.40	.30	.30		
8 yds. & less than 14 yds.	7.65	.40	.30	.30		
14 yds. & less than 35 yds.	7.80	.40	.30	.30		
35 yds. & less than 55 yds.	8.00	.40	.30	.30		
55 yds. & less than 75 yds.	8.20	.40	.30	.30		
75 yds. & less than 95 yds.	8.40	.40	.30	.30		
95 yds. & less than 105 yds.	8.60	.40	.30	.30		
Over 105 yds.	8.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	7.325	.40	.30	.30		
Less than 10 tons	7.40	.40	.30	.30		
10 tons & less than 15 tons	7.55	.40	.30	.30		
15 tons & less than 20 tons	7.65	.40	.30	.30		
20 tons & over	7.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

AREA 2** TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall recieve $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	7.525	.40	.30	.30		
Over 4½ yds. capacity to & including 6½ yds.	7.625	.40	.30	.30		
Over 6½ yds.	7.725	.40	.30	.30		
Concrete pumping trucks	7.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	7.375	.40	.30	.30		
1200 to 2500 gals.	7.50	.40	.30	.30		
2500 to 4000 gals.	7.65	.40	.30	.30		
4000 to 6000 gals.	7.95	.40	.30	.30		
6000 gals. to less than 10,000	8.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	8.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	8.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	8.95	.40	.30	.30		
Over 25,000 gals.	9.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oiler Spreader Operator (on single man operation where boot man is not required)	8.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telecopic Manlift Truck	7.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	7.70	.40	.30	.30		
Truck Driver Helper	7.275	.40	.30	.30		
Chauffeurs	7.275	.40	.30	.30		
Bunker & Truck Loaders	7.40	.40	.30	.30		
Warehousemen (Counter Clerk)	7.45	.40	.30	.30		
Warehousemen	7.325	.40	.30	.30		
Washers, Greasers & Tiremen	7.475	.40	.30	.30		
Gas Station Attendants	7.275	.40	.30	.30		
Fork Lift (Over 6 tons)	7.80	.40	.30	.30		
Material Engineer	7.62	.40	.30	.30		

AREA 2** TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CONSTRUCTION JOB SERVICEMEN: (Cont'd)						
Teamster Mechanic	8.51	.40	.30	.30		
Teamster Mechanic Helper	8.26	.40	.30	.30		
Teamster Welder	8.51	.40	.30	.30		
Teamster Driving Two Horses	8.275	.40	.30	.30		
Teamster Driving Three or More Horses	8.375	.40	.30	.30		
Sweeper or vacuum truck	7.65	.40	.30	.30		

UTAH
AREA DEFINITIONS
for
Truck Drivers & Operating Engineers

** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the Northerly line of Township 36S, thence easterly along the northerly lines of Township 36S to the Northeast corner of Township 36S, Range 17W.

Thence Northerly to the N.W. corner of township 35S, range 16 W;
Thence Easterly to the N.E. corner of township 35S, range 16 W;
Thence Northerly to the N.W. corner of township 31S, range 15 W;
Thence easterly to the N.E. corner of township 31S, range 15 W;
Thence Northerly to the N.W. corner of township 26S, range 14 W;
Thence Easterly to the N.E. corner of township 26S, range 14 W;
Thence Northerly to the N.W. corner of township 25S, range 13 W;
Thence Easterly to the N.E. corner of township 25S, range 13 W;
Thence Northerly to the N.W. corner of township 24S, range 12 W;
Thence Easterly to the N.E. corner of township 24S, range 12 W;
Thence Northerly to the N.W. corner of township 19S, range 11 W;
Thence Easterly to the N.E. corner of township 19S, range 11 W;
Thence Northerly to the N.W. corner of township 17S, range 10 W;
Thence Easterly to the N.E. corner of township 17S, range 10 W;
Thence Northerly to the N.W. corner of township 16S, range 9 W;
Thence Easterly to the N.E. corner of township 16S, range 9 W;
Thence Northerly to the N.W. corner of township 15S, range 8 W;
Thence Easterly to the N.E. corner of township 15S, range 8 W;
Thence Northerly to the S.W. corner of township 7S, range 7 W;
Thence Westerly to the S.W. corner of township 7S, range 10 W;
Thence Northerly crossing the Salt Lake Base line to the N.W. corner of township 6N, range 10 W;
Thence Easterly to the N.W. corner of township 6N, range 8 W;
Thence Northerly to the N.W. corner of township 12 N, range 8 W;
Thence Easterly to the N.E. corner of township 12 N, range 8 W;
Thence Northerly along the Westerly line of range 7 W to the Utah/Idaho border
Thence Easterly along the Utah/Idaho border crossing the Salt Lake Meridian to the Intersection of the Utah/Idaho/Wyoming borders
Thence Southerly along the Utah/Wyoming Border
Thence Easterly along the Utah/Wyoming border to the Easterly line of range 11 E;
Thence Southerly along the East line of range 11 E, crossing the Salt Lake Base line to the N.E. corner of township 4S, range 11 E;
Thence Easterly to the N.W. corner of township 4S, range 18E;
Thence Northerly to the N.W. corner of township 1S, range 18 E;
Thence Easterly along the Salt Lake Base line to the N.E. corner of township 1 S, range 24 E;
Thence Southerly to the N.E. corner of township 3 S, range 24 E;
Thence Easterly along the Northern line of township 3S, to the Utah/Colorado border;

UTAH
AREA DEFINITIONS (Cont'd)
for
Truck Drivers & Operating Engineers (2-3)

Thence Southerly along the Utah/Colorado border, to the Southerly line of township 6 S;
Thence Westerly to the N.E. corner of township 7 S, range 23 E;
Thence Southerly to the S.E. corner of township 7 S, range 23 E;
Thence Westerly to the S.W. corner of township 7 S, range 20 E;
Thence Southerly to the S.E. corner of township 8 S, range 19 E;
Thence Westerly to the S.E. corner of township 8 S, range 16 E;
Thence Southerly to the S.E. corner of township 11 S, range 16 E;
Thence Westerly to the S.E. corner of township 11 S, range 14 E;
Thence Southerly to the S.E. corner of township 16 S, range 14 E;
Thence Westerly to the S.E. corner of township 16 S, range 12 E;
Thence Southerly to the S.E. corner of township 20 S, range 12 E;
Thence Westerly to the S.E. corner of township 20 S, range 8 E;
Thence Southerly to the S.E. corner of township 21 S, range 8 E;
Thence Westerly to the S.E. corner of township 21 S, range 6 E;
Thence Southerly to the S.E. corner of township 23 S, range 6 E;
Thence Westerly to the S.E. corner of township 23 S, range 5 E;
Thence Southerly to the N.E. corner of township 27 S, range 5 E;
Thence Easterly to the N.E. corner of township 27 S, range 7 E;
Thence Southerly to the S.E. corner of township 30 S, range 7 E;
Thence Westerly to the S.E. corner of township 30 S, range 4 E;
Thence Southerly to the S.E. corner of township 31 S, range 4 E;
Thence Westerly to the S.W. corner of township 31 S, range 4 E;
Thence Southerly to the S.E. corner of township 35 S, range 3 E;
Thence Westerly to the S.W. corner of township 35 S, range 3 E;
Thence Southerly to the S.E. corner of township 37 S, range 2 E;
Thence Westerly to the S.W. corner of township 37 S, range 2 E;
Thence Southerly to the S.E. corner of township 39 S, range 1 E;
Thence Westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 S, range 2 W;
Thence Southerly to the S.E. corner of township 41 S, range 2 W;
Thence Westerly to the S.E. corner of township 41 S, range 4 W;
Thence Southerly along the Easterly line of range 4 W, to the Utah/Arizona border;
Thence Westerly along the Utah/Arizona border to the S.W. corner of Utah;
Thence Northerly along the Utah/Nevada border to the point of beginning;

* * * * * * *

Commencing at the intersection of the Utah/Colorado border and the Southerly line of Township 34 S,

Thence Westerly to the S.W. corner of township 34 S, range 21 E;
Thence Northerly to the S.W. corner of township 29 S, range 21 E;
Thence Westerly to the S.W. corner of township 29 S, range 19 E;
Thence Northerly to the N.W. corner of township 23 S, range 19 E;
Thence Easterly to the N.W. corner of township 23 S, range 22 E;
Thence Northerly to the N.W. corner of township 21 S, range 22 E;
Thence Easterly to the N.E. corner of township 21 S, range 24 E;

Thence Southerly to the N.E, corner of township 31 S, range 24 E;
Thence Easterly along the Northerly line of township 31 S, to the Utah/Colorado border;
Thence Southerly along the Utah/Colorado border to the point of beginning.

NOTE: Truck Drivers, only - If any part of portion of any job or project falls within Area 2, then the Area 2 rate of pay will apply for all work done on said job or project. This means, all actual on-site work, such as dams, bridges, roads, etc., including barrow pits which may be located in Area 1.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AP-70
Supersedes Decision No. AM-8591 dated March 17, 1972 in 37 FR 5667
DESCRIPTION OF WORK: Highway construction

COUNTY: See Below
DATE: Date of Publication

Counties of Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rush, Sawyer, Taylor, Vilas, Washburn — Wisc Hwy Zone 1 B

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others[f]
Carpenters:						
Douglas County & Bayfield (Western ½ of County)	7.20	.25	.15	.30		
Ashland, Iron, & Bayfield (Eastern ½ of County)	5.85	.25	.25	.15		
Rusk, Sawyer, Washburn, & Burnett Counties and Taylor County (West. ½ of County)	7.17	.25	.25		.03	
Forest, Lincoln, Oneida, Price, Vilas and Taylor (E. of Hwy. 73 and So. of Hwy. 64 to Hwy. 13 to Price County Line)	6.33	.25	.40	.18		
Cement Masons:						
Ashland, Iron and Bayfield Counties	7.65	.15				
Rusk County, Burnett (So. ½ of Co.)	7.35			.40		
Burnett (No. ½ of County,) Douglas Sawyer, and Washburn Counties	7.65	.15				
Forest, Lincoln, Oneida, Price Taylor and Vilas Counties	6.38	.30				
Ironworkers:						
Douglas, Bayfield, Ashland, Iron, Vilas, Forest (No. ½ of County), Oneida, Lincoln (except S/E corner of County), Price, Taylor (no. ½ of County), Rusk (No. ½ of County), Sawyer, Washburn, Burnett (No. ½ of County)	7.65	.25	.45	.10		
Burnett (So. ½ of County), Taylor (So. ½ of County), Rusk (So. ½ of County	7.60	.40	.45		.02	
Lincoln (S/E Corner of County), Forest (Southern ½ of County)	8.17	.25	.25		.03	
Piledrivermen:						
Ashland, Iron & Bayfield (Eastern ½ of County)	6.05	.25	.25	.15		
Rusk, Sawyer, Washburn, Burnett, Taylor (Western ½ or County)	7.57	.25	.25		.03	
Douglas County, Bayfield (Western ½ of County)	7.20	.25	.15	.30		
Forest, Lincoln, Oneida, Price, Vilas and Taylor (E. of Hwy. 73 and So. of Hwy. 64 to Hwy. 13 to Price Co. Line	6.83	.25	.40	.18		

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Wisc 5 - LAB - 2 - 3 H

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

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Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

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Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONT'D:					
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05

Wisc. 5 - TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AP-71
Supersedes Decision No. AM-8592 dated March 17, 1972 in 37 FR 5668
DESCRIPTION OF WORK: Highway Construction

COUNTY: See Below
DATE: Date of publication

Wisc. Hwy Zone 2 B

Barron, Buffalo, Chippewa, Clark, Dunn, Pepin, Pierce, St. Croix, and Trempealeau Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	1/Others
Carpenters:						
Buffalo (except So. ½ of County), Trempealeau (No ½ of County), Clark (remainder of County), Barron, St. Croix, Chippewa, Pepin, Dunn, and Pierce	$7.17	.25	.25		.03	
Clark County (E. of Hwy.73)	6.33	.25	.40	.18		
Buffalo (So. ½ of County), Trempealeau (So. ½ of County)	6.70	.25	.15			
Cement Masons:						
Clark County	6.38	.30				
Trempealeau (So. ½ of County)	5.33					
Barron (E. ½ of County), Trempealeau (No. ½ of County), Buffalo, Chippewa & Pepin Counties	7.35			.40		
St. Croix, Barron (Western ½ of County)	6.05					
Dunn and Pierce Counties	4.17	.15				
Ironworkers:						
Barron, Chippewa, Dunn, St. Croix, Pierce, Pepin, Buffalo, Trempealeau, Clark (except S/E ½ of County)	7.60	.40	.45		.02	
Clark (S/E ½ of County)	8.17	.25	.25		.03	
Piledrivermen:						
Buffalo (except So. ½ of County), Trempealeau (No. ½ of County), Clark (remainder of County), Barron, St. Croix, Chippewa, Pepin, Dunn, and Pierce Counties	7.57	.25	.25		.03	
Clark County (E. of Hwy 73)	6.83	.25	.40	.18		
Buffalo (So. ½ of County), Trempealeau (So. ½ of County)	7.05	.25	.15			

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Wisc 5 - LAB - 2 - 3 H

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

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Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

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Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05	
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05	

Wisc. 5 - TD K

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AP-72
Supersedes Decision No. AM-8593 dated March 17, 1972 in 37 FR 5669
DESCRIPTION OF WORK: Highway Construction

COUNTY: See Below
DATE: Date of Publication

Wisc. Hwy. Zone 3 K

Adams, Green Lake, Langlade, Marquette, Memominee, Portage, Shawano, Waupaca, Waushara and Wood Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Langlade, Portage, Wood & Adams (North of Hwy. 21)	$6.33	.25	.40	.18		
Adams County (South of Hwy. 21)	7.45	.25	.15			
Green Lake, Marquette, Memominee, Shawano, Waupaca & Waushara Cos.	6.73	.25	.25		.02	
Cement Masons:						
Waushara, Green Lake, Marquette, Waupaca, And Shawano (except N/W corner of County)	6.23	.30	.15	.30		
Shawano (N/W corner of County), Adams, Langlade, Portage, Wood, and Menominee Counties	6.38	.30				
Ironworkers:						
Langlade, Menominee, Marquette, Shawano (Western 2/3 of County), Wood, Portage, Waupaca, Adams, Waushara and Green Lake Counties	8.17	.25	.25		.03	
Shawano (Eastern 1/3 of County)	8.06	.50	.50	.50	.06	
Piledrivermen:						
Adams County (South of Hwy 21)	7.60	.25	.15			
Langlade, Portage, Wood and Adams Counties (North of Hwy. 21)	6.83	.25	.40	.18		
Green Lake, Marquette, Menominee, Shawano, Waupaca & Waushara Counties	6.98	.25	.25		.02	

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

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Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

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Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05	
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05	

Wisc. 5 - TD K

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

STATE: Wisconsin
DECISION NUMBER: AP-73
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AM-8594 dated March 17, 1972 in 37 FR 5670
DESCRIPTION OF WORK: Highway Construction

Wisc. Hwy Zone 4 I

Crawford, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Lafayette, Monroe, Richland, Sauk and Vernon Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Green County & Jefferson (So. ½ of County)	$7.15	.20	.15		.02	
Crawford, Monroe, Vernon & Jackson (So ½ of County), Grant (N/W corner of County)	6.70	.25	.15			
Jackson County (no ½ of County)	7.17	.25	.25		.03	
Columbia, Dodge, Grant (except N/W corner of County), Iowa, Jefferson, (No. ½ of County), Lafayette, Richland and Sauk Counties	7.45	.25	.15			
Cement Masons:						
Grant County	6.55					
Columbia County	5.75					
Sauk County	5.60	.15	.15			
Dodge & Jefferson Counties	6.60	.15	.15	.30		
Iowa, Lafayette & Green Counties	7.35	.15	.20			
Crawford, Jackson (So. ½ of County) Monroe, Richland and Vernon Counties	5.33					
Jackson (No ½ of County)	7.35			.40		
Ironworkers:						
Green (S/E corner of County)	8.65	.40	.375		.05	
Jackson (Northern ½ of County)	7.60	.40	.45		.02	
Jefferson (extreme eastern section of County), Dodge (Eastern 1/3 of County)	8.06	.50	.50	.50	.06	
Jefferson (remaining part of County), Dodge (remaining part of County), Green (except S/E corner of Co.), Iowa, Sauk, Lafayette, Crawford, Monroe, Richland, Vernon, Columbia, Jackson (So. ½ of County), Grant	8.17	.25	.25		.03	
Piledrivermen:						
Crawford, Monroe, Vernon, Jackson (so. ½ of County), Grant (N/W corner of County)	7.05	.25	.15			
Columbia, Dodge, Grant (except N/W corner of County), Iowa, Jefferson, (No. ½ of County), Lafayette, Richland and Sauk Counties	7.60	.25	.15			
Jackson County (No ½ of Co.)	7.57	.25	.25		.03	
Greene & Jefferson (So ½ of County)	7.30	.20	.15		.02	

AP-73 P. 2

Wisc 5 - LAB - 2 - 3 H

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

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Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vocation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

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Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vocation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05	
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05	

Wisc. 5 - TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AP-74
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AM-8595 dated March 17, 1972 in 37 FR 5671
DESCRIPTION OF WORK: Highway Construction

Wisc. Hwy. Zone 5 J

Calumet, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Outagamie Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Florence, Marinette, Oconto, Door Kewaunee, Manitowoc, Outagamie, & Calumet Counties	$6.73	.25	.25		.02	
Cement Masons:						
Manitowoc and Calumet (Eastern ½ of County)	5.65	.15		.15		
Florence and Marinette Counties	6.02					
Calumet (Western ½ of County), Door, Kewaunee, Oconto & Outagamie	6.23	.30	.15	.30		
Ironworkers:						
Florence (Eastern 2/3 of County), Marinette, Oconto, Door, Kewaunee, Manitowoc, Calumet, Outagamie (Eastern 2/3 of County)	8.06	.50	.50	.50	.06	
Florence (Western 1/3 of County)	7.65	.25	.45	.10		
Outagamie (Western 1/3 of County)	8.17	.25	.25		.03	
Piledrivermen:						
Florence, Marinette, Oconto, Door, Kewaunee, Manitowoc, Outagamie & Calumet Counties	6.98	.25	.25		.02	

Wisc 5 - LAB - 2 - 3 H

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

AP-74 P. 3

Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

AP-74 P. 4

Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05	
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05	

Wisc. 5 - TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AP-75
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AM-8596 dated March 17, 1972 in 37 FR 5671
DESCRIPTION OF WORK: Highway Construction

Wisc. Hwy. Zone 6 K

Fond du Lac, Sheboygan, and Walworth Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Fond du Lac (except City of Waupun)	$6.73	.25	.25		.02	
Fond du Lac (City of Waupun)	7.45	.25	.15			
Sheboygan County	6.80	.20	.15			
Walworth County	7.07	.25	.25	.40	.03	
Cement Masons:						
Fond du Lac County	5.88	.15	.15			
Sheboygan County	5.85	.15	.15			
Walworth County	5.60	.15				
Ironworkers:						
Fond du Lac (Western ½ of County), Walworth (Northwestern corner of County, including Whitewater)	8.17	.25	.25		.03	
Walworth (Southwestern ½ of County)	8.65	.40	.375		.05	
Walworth (Remaining County), Fond du Lac (Eastern ½ of County), and Sheboygan	8.06	.50	.50	.50	.06	
Piledrivermen:						
Fond du Lac (except City of Waupun)	6.98	.25	.25		.02	
Fond du Lac (City of Waupun)	7.60	.25	.15			
Sheboygan County	7.49	.20	.15			
Walworth County	7.42	.25	.25	.40	.03	

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	5.80	.25	.15		.02	
Group C						
Vib.or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.85	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	5.90	.25	.15		.02	
Group E						
Powderman, blaster	5.95	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

AP-75 P. 3

Wisc. - 4-PEO-3 L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Bituminous Paver or Plant; Concrete Breaker, Truck Mounted (heavy); Crane; Derrick; Dragline; Dredge; Pile Driver; Power Shovel, Material Hoist; Mixer or Paver (21 C.F. or over); Roller Steel (over 5 tons); Stabilizing Mixer (self-propelled); Trenching Machine; Tractor side boom (heavy); Concrete Pvt. Spreader, Heavy duty (rubber-tired); Hydraulic back hoe; Asphalt Plant Engineer; Automatic Slipform Concrete Placer; Automatic Subgrader (Concrete); Batch Mixer Portable; Caisson Rigs, Central Mixer Concrete; Dredge Engineer; Batch Plant Engineer (Concrete); Central Mix Plant Concrete; Operator	$ 8.27	.45	.25		.05	
Grader or Motor Patrol; loading Machine (conveyor); Mechanic or Welder, heavy duty equipment; Tractor (scraper, dozer, pusher, loader); Tugger; End Loader; Asphalt Heater & Planer; Boatman; Bump Cutter & Grooving Machine; Shoulder Widener; Winches & A-Frames; Operator	8.27	.45	.25		.05	
Mixer, Concrete (less than 21 C.F.); Pump, concrete; Roller, steel (5 tons or less); Operator	8.01	.45	.25		.05	
Screed (bituminous paver); Shouldering Machine; Self-Propelled Chip Spreader; Operator	7.92	.45	.25		.05	
Concrete Breaker & Tamper (light); Concrete Spreader; Finishing Machine; Mechanical Float; Curing Machine; Power Subgrader; Joint Sawer (multiple blade); Launch; Roller (pneumatic tired self-propelled); Tractor(mounted or towed compactors & light equipment); Tractor, end loader (rubber-tired, light); Fork Lift; Belting Machine; Burlap Machine, Jeep Digger, Mulcher; Texturing Machine; Operator	7.84	.45	.25		.05	
Fireman	7.76	.45	.25		.05	
Air Compressor; Drilling or Boring Machine (mechanical, heavy); Greaser, heavy equip., lead-man; Tank Car Heater; Stump Chipper; Curb Machine; Concrete Proportioning Plant; Generators; Mud-jack; Operator	7.72	.45	.25		.05	

AP-75 P. 4

Wisc. - 4-PEO-3 L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher or Screening Plant; Automatic Belt Conveyor & Surge Bin; Pneumatic-Tired Roller Farm Tractor Towed; Pug Mill; Operator	$ 7.63	.45	.25		.05	
Oiler, Pump (over 3 inches); Surge Bin; Operator	7.51	.45	.25		.05	

Wisc. 5 - TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
TRUCK DRIVERS:					
Two axle trucks	$5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumpter type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10.00 per week.

c. Includes .10 employer contrubution to holiday fund.

[FR Doc.72-20921 Filed 12-7-72;8:45 am]

federal register

FRIDAY, DECEMBER 8, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 237
PART III

ENVIRONMENTAL PROTECTION AGENCY

■

STATE AND LOCAL ASSISTANCE

Grants for Construction of Water Treatment Works

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER B—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Subpart D—Grants for Construction of Treatment Works—Federal Water Pollution Control Act Amendments of 1972

Section 205(a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500) provides for the allotment to the States of sums not to exceed those authorized to be appropriated by section 207 of the Act. The formula for allotment of sums available to the States is determined by the provisions of section 205. The implementation of these sections is promulgated in accordance with the President's letter of November 22, 1972. Additional regulations to implement Title II of the Federal Water Pollution Control Act will be issued within the near future within Subpart D of Part 35 of Title 40 of the Code of Federal Regulations.

Effective date. This regulation shall become effective immediately upon publication (12–8–72). Good cause for not publishing this regulation as proposed rulemaking for public comment is found in section 205(a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500), which requires that the allotments contained herein be made promptly.

ROBERT W. FRI,
Acting Administrator.

DECEMBER 4, 1972.

Subpart D—Grants for Construction of Treatment Works—Federal Water Pollution Control Act Amendments of 1972

Sec.
35.910 Allocation of funds.
35.910–1 Allotment.
35.910–2 Reallotment.

AUTHORITY: The provisions of this Subpart D issued under sections 205 and 501(a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500).

Subpart D—Grants for Construction of Treatment Works—Federal Water Pollution Control Act Amendments of 1972

§ 35.910 Allocation of funds.

§ 35.910–1 Allotment.

(a) The Administrator shall allot among the States, funds authorized to be appropriated pursuant to section 207, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For fiscal years ending June 30, 1973, and June 30, 1974, sums not to exceed $2 billion and $3 billion, respectively, have been determined to be the actual amounts authorized to be appropriated within the corresponding maximum amounts specified in section 207 and will be allotted on a ratio determined on the basis of Table III of House Public Works Committee Print No. 92–50. Computation of a State's ratio shall be carried out to the nearest ten-thousandth percent (0.0001 percent) and allotted amounts will be rounded to the nearest thousand dollars. The applicable percentages to be used in computing State allotments for fiscal years 1973 and 1974 are as follows:

State	Percentage
Alabama	.3612
Alaska	.2252
Arizona	.1346
Arkansas	.3536
California	9.8176
Colorado	.3166
Connecticut	1.6810
Delaware	.6565
District of Columbia	.7114
Florida	3.6264
Georgia	.9730
Hawaii	.3303
Idaho	.2177
Illinois	6.2489
Indiana	3.3662
Iowa	1.1557
Kansas	.3742
Kentucky	.6599
Louisiana	.9428
Maine	.9675
Maryland	4.2582
Massachusetts	3.7576
Michigan	7.9814
Minnesota	2.0319
Mississippi	.3935
Missouri	1.6556
Montana	.1662
Nebraska	.3708
Nevada	.2877
New Hampshire	.8309
New Jersey	7.7040
New Mexico	.2108
New York	11.0578
North Carolina	.9229
North Dakota	.0467
Ohio	5.7737
Oklahoma	.4608
Oregon	.8494
Pennsylvania	5.4214
Rhode Island	.4889
South Carolina	.6455
South Dakota	.0948
Tennessee	1.1605
Texas	2.7694
Utah	.1408
Vermont	.2218
Virginia	2.9143
Washington	.8906
West Virginia	.4999
Wisconsin	1.7415
Wyoming	.0268
Guam	.0872
Puerto Rico	.8845
Virgin Islands	.0893
American Samoa	.0048
Trust Territory of Pacific	.0378
	100.0000

(b) Based upon the applicable percentages, the sums alloted to the States for fiscal years 1973 and 1974 are as follows:

State	Fiscal year 1973	Fiscal year 1974
Alabama	7,224,000	10,836,000
Alaska	4,504,000	6,756,000
Arizona	2,692,000	4,038,000
Arkansas	7,072,000	10,608,000
California	196,352,000	294,528,000
Colorado	6,332,000	9,498,000
Connecticut	33,620,000	50,430,000
Delaware	13,130,000	19,695,000
District of Columbia	14,228,000	21,342,000
Florida	72,528,000	108,792,000
Georgia	19,460,000	29,190,000
Hawaii	6,606,000	9,909,000
Idaho	4,354,000	6,531,000
Illinois	124,978,000	187,467,000
Indiana	67,324,000	100,986,000
Iowa	23,114,000	34,671,000
Kansas	7,484,000	11,226,000
Kentucky	13,198,000	19,797,000
Louisiana	18,856,000	28,284,000
Maine	19,350,000	29,025,000
Maryland	85,164,000	127,746,000
Massachusetts	75,152,000	112,728,000
Michigan	159,628,000	239,442,000
Minnesota	40,638,000	60,957,000
Mississippi	7,870,000	11,805,000
Missouri	33,112,000	49,668,000
Montana	3,324,000	4,986,000
Nebraska	7,416,000	11,124,000
Nevada	5,754,000	8,631,000
New Hampshire	16,618,000	24,927,000
New Jersey	154,080,000	231,120,000
New Mexico	4,216,000	6,324,000
New York	221,156,000	331,734,000
North Carolina	18,458,000	27,687,000
North Dakota	934,000	1,401,000
Ohio	115,474,000	173,211,000
Oklahoma	9,216,000	13,824,000
Oregon	16,988,000	25,482,000
Pennsylvania	108,428,000	162,642,500
Rhode Island	9,778,000	14,667,000
South Carolina	12,910,000	19,365,000
South Dakota	1,896,000	2,844,000
Tennessee	23,210,000	34,815,000
Texas	55,388,000	83,082,000
Utah	2,816,000	4,224,000
Vermont	4,436,000	6,654,000
Virginia	58,286,030	87,429,000
Washington	17,812,000	26,718,000
West Virginia	9,998,000	14,997,000
Wisconsin	34,830,000	52,245,000
Wyoming	536,000	804,000
Guam	1,744,000	2,616,000
Puerto Rico	17,690,000	26,535,000
Virgin Islands	1,786,000	2,679,000
American Samoa	96,000	144,000
Trust Territory of Pacific	756,000	1,134,000
Total	2,000,000,000	3,000,000,000

(c) Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate required to be submitted to and approved by Congress.

(d) Allotments shall be made not later than the January first preceding the beginning of the fiscal year for which authorized, except for the allotment for fiscal year 1973 which is made herein.

§ 35.910–2 Reallotment.

(a) Sums allotted to a State under § 35.910–1 shall be available for obligation on and after the date of such allotment and shall continue to be available to such State for a period of 1 year after the close of the fiscal year for which such sums are authorized. Funds remaining unobligated at the end of the allotment period will be immediately reallotted by the Administrator, generally

on the basis of the ratio used in making the last allotment.

(b) Any sums which have been obligated under section 203 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500) and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

(c) Reallotted sums shall be added to the last allotments made to the States and shall be in addition to any other funds otherwise allotted.

[FR Doc.72–21102 Filed 12–7–72;8:52 am]

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