

# federal register

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## PART I

(Part II begins on page 7163)



### HIGHLIGHTS OF THIS ISSUE

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

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## Rules Going Into Effect March 18, 1973

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## List of CFR Parts Affected

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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# Presidential Documents

## Title 3—The President

PROCLAMATION 4198

### National Action for Foster Children Week, 1973

*By the President of the United States of America*

#### A Proclamation

In today's rapidly changing, highly mobile society, more children than ever find themselves temporarily, or even permanently, separated from their parents. Such children may carry lasting emotional scars unless they can be placed in a stable family environment where they can feel loved and secure.

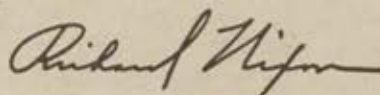
In the past year alone, more than 300,000 American children were living in foster homes. It is gratifying that so many Americans are working to help foster children. They include not only professionals in the child welfare field but hundreds of volunteers—businessmen, church and community leaders, and members of civic groups—all dedicated to the principle that none of our children should be deprived or neglected.

In recognition of these efforts, I am asking the Nation to set aside a week during which we can assess the needs of foster children, encourage States and communities to plan activities which will help meet those needs, and renew our determination to assure foster children that we care about them and their well-being.

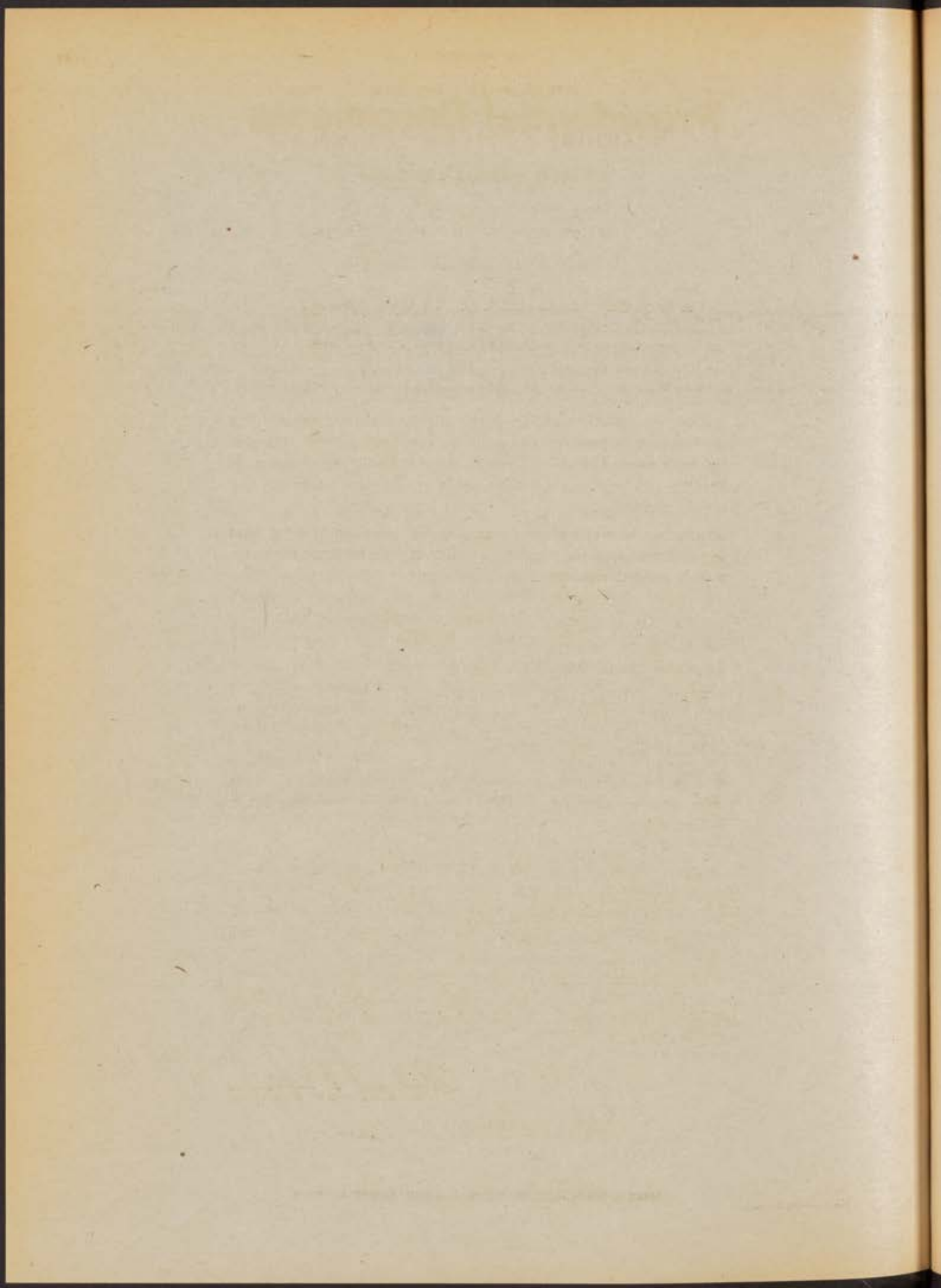
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of April 8 through April 14, 1973, as National Action for Foster Children Week, 1973.

I urge Governors and Mayors to join me in proclaiming this observance, and I earnestly call upon citizens everywhere to volunteer their talents, energies and compassion in behalf of foster children, so that they may enjoy the sound development that comes from a full and happy family life.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-5215 Filed 3-14-73;3:04 pm]





## PROCLAMATION 4199

# National Employ the Older Worker Week

*By the President of the United States of America*

## A Proclamation

The employment of men and women who are 45 years of age and over is an important objective—not only for those directly involved, but for our entire country. For their energies, their talents, and their experience are a national resource of tremendous value which is not now being fully utilized.

There are many barriers hampering middle-aged and older Americans in continuing as productive and useful participants in the society and in the work force. This Administration is committed to overcoming these barriers.

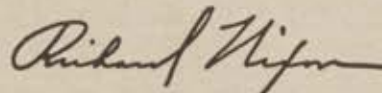
In an expanding economy such as ours the single most effective response to the employment problems of older workers will come from the understanding and voluntary cooperation of employers in both the private and public sectors.

To encourage such cooperative efforts, the Congress, by House Joint Resolution 334, has requested the President to issue a proclamation designating the second full calendar week in March of 1973 as National Employ the Older Worker Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 11, 1973, as National Employ the Older Worker Week. I am pleased to join with the Congress in urging all employers to consider the skills and qualifications of those men and women 45 years of age and older who are unemployed or underemployed and who are able and willing to work.

I am also asking the Secretary of Labor to see to it that those public officials at national, State, and local levels who provide job placement, counseling, training, and retraining services accelerate their efforts to help older workers to find suitable jobs and training opportunities. We must not only concentrate on these efforts during this week but sustain them at high level throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-5273 Filed 3-15-73;12:52 pm]





# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## 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

#### PART 78—BRUCELLOSIS

##### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

##### MODIFIED CERTIFIED BRUCELLOSIS AREAS

These amendments delete the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Clarke County in Iowa, and Lubbock and McMullen Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas on February 10, 1973: Humboldt, Jackson, and Linn Counties in Iowa; Bourbon and Chase Counties in Kansas; Creek County in Oklahoma; and Denton, Freestone, Harrison, Kaufman, Navarro, and Wood Counties in Texas. Since said date, it has been determined that these counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Therefore, pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

##### § 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;  
Alaska. The entire State;  
Arizona. The entire State;  
Arkansas. The entire State;  
California. The entire State;  
Colorado. The entire State;  
Connecticut. The entire State;  
Delaware. The entire State;  
Florida. The entire State;  
Georgia. The entire State;

Hawaii. The entire State;  
Idaho. The entire State;  
Illinois. The entire State;  
Indiana. The entire State;  
Iowa. Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Blackhawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kosuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright Counties;

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kearny, Kingman, Kiowa, Labette, Lane, Leavenworth, Lincoln, Linn, Logan, Lyon, McPherson, Marion, Marshall, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawattamie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgewick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson, and Wyandotte Counties;

Kentucky. The entire State;  
Louisiana. The entire State;  
Maine. The entire State;  
Maryland. The entire State;  
Massachusetts. The entire State;  
Michigan. The entire State;  
Minnesota. The entire State;  
Mississippi. The entire State;  
Missouri. The entire State;  
Montana. The entire State;  
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundee, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman,

Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;

Nevada. The entire State;  
New Hampshire. The entire State;  
New Jersey. The entire State;  
New Mexico. The entire State;  
New York. The entire State;  
North Carolina. The entire State;  
North Dakota. The entire State;  
Ohio. The entire State;

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Wagoner, Washington, Washita, Woods, and Woodward Counties;

Oregon. The entire State;  
Pennsylvania. The entire State;  
Rhode Island. The entire State;  
South Carolina. The entire State;  
South Dakota. The entire State;  
Tennessee. The entire State;

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, More, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk,



Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;  
Vermont. The entire State;  
Virginia. The entire State;  
Washington. The entire State;  
West Virginia. The entire State;  
Wisconsin. The entire State;  
Wyoming. The entire State;  
Puerto Rico. The entire area; and  
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 37 FR 28464, 28477, 9 CFR 78.16(a))

**Effective date.** The foregoing amendments shall become effective March 16, 1973.

These amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March 1973.

E. E. SAULMAN,  
Deputy Administrator, Veteri-  
nary Services, Animal and  
Plant Health Inspection Ser-  
vice.

[PR Doc.73-5082 Filed 3-15-73;8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-3]

#### 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 El Campo, Tex., transition area.

On January 24, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 2335) stating the Federal Aviation Administration proposed to designate a transition area at El Campo, 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., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

##### EL CAMPO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00" N., longitude 96°19'30" W.).

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

Issued in Fort Worth, Tex., on March 6, 1973.

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

[PR Doc.73-5069 Filed 3-15-73;8:45 am]

#### Title 24—Housing and Urban Development

#### CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### SUBCHAPTER A—INTRODUCTION

[Docket No. R-73-210]

##### PART 300—GENERAL

##### List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended to add additional names to the list of attorneys-in-fact authorized to act on behalf of the Association and to remove one name from the current list.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

1. Paragraph (c) of § 300.11 is amended by deleting the name of Sam Pampalone from the current list of attorneys-in-fact.

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name	Region
Robert E. Allen	Los Angeles.
Angelina C. Allewa	Philadelphia.
Irene S. Baggio	Do.
Donald N. Bailey	Chicago.
Thomas H. Barker	Los Angeles.
Inman L. Beavers	Atlanta.
Ida Behling	Chicago.
James D. Blank	Do.
Fred O. Carlton	Dallas.
Robert J. Clemmer	Do.
Stephen C. Crabb	Do.
John C. Diebel	Chicago.
Warren O. Dinkins	Dallas.
Richard E. Flesher	Do.
Gregory Gianpetro	Chicago.
Robert E. Haren	Do.
Ernestine S. Holland	Los Angeles.
David G. Hooper	Dallas.
Boyd A. Jakman	Los Angeles.
Dennis V. Johnson	Dallas.
William S. Jones	Atlanta.
Francine Karling	Chicago.
Arthurine C. Kent	Los Angeles.
Michael S. Koch	Chicago.

Name	Region
Michael Kornecki	Do.
Joan Lehning	Do.
Thomas F. Monico	Do.
Russell P. Morrison	Philadelphia.
Doris A. Morrow	Chicago.
Terry S. Nooner	Dallas.
N. A. Owens	Atlanta.
Virginia K. O'Rourke	Chicago.
Cletus C. Parker	Do.
Michael O. Parker	Dallas.
Robert G. Pike	Atlanta.
Vern Simmons	Los Angeles.
Robert L. Smith, Jr.	Do.
Florence Snukst	Chicago.
Jose Soto, Jr.	Dallas.
Ruth C. Turner	Los Angeles.
Audrey E. Tolliver	Do.
Fred B. Vanderwoude	Dallas.
Loretta A. Wing	Philadelphia.

**Effective date.** This amendment shall be effective on March 16, 1973.

WOODWARD KINGMAN,  
President, Government National  
Mortgage Association.

[PR Doc.73-5079 Filed 3-15-73;8:45 am]

#### Title 29—Labor

#### CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

##### PART 516—RECORDS TO BE KEPT BY EMPLOYERS

##### Executive, Administrative, Professional and Outside Salesmen; Records To Be Kept

The Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), in its section 13(a)(1) exempts from the minimum wage and overtime provisions persons employed in a bona fide executive, administrative or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesmen. The Fair Labor Standards Act of 1938, as amended, was further amended by Public Law 92-318, Education Amendments of 1972, 86 Stat. 375, approved June 23, 1972 (effective July 1, 1972). Among other things, this legislation amended section 13(a)(1) by extending the application of the Act's equal pay provisions, prescribed in its section 6(d), to employees employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesmen, as defined in Part 541 of this chapter, even though such employees are otherwise exempt from the Act's minimum wage and overtime pay provisions.

Amendments are hereby made to 29 CFR Part 516 as set forth below in order to conform the recordkeeping requirements under the Act to the amended section 13(a)(1) and to require the making and preserving of the records which are appropriate for the enforcement of the equal pay provisions in the case of persons whose employment is within the purview of both sections 6(d) and 13(a)(1) of the Act.

Since these amendments implement amendments to the Act which are already in effect and are necessary in discharging the Department's responsibility for its enforcement, I find that notice



and public procedure on these amendments as provided in 5 U.S.C. 553 would be contrary to the public interest. These amendments shall, therefore, be effective on April 2, 1973, and shall be applicable, to the extent consistent with law from such date. Interested persons shall, notwithstanding, be afforded opportunity until April 16, 1973, to present any written data, views, or arguments concerning these amendments to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, for consideration in the same manner as if such amendments were being proposed for adoption. If upon review of the comments so received it is concluded that any of them warrant changes in these amendments as adopted, the provisions of these amendments will be further amended accordingly. Meanwhile, these amendments shall remain in full force and effect until amended.

Therefore, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and Secretary's Orders Nos. 13-71 and 15-71 (36 FR 8755, 8756), § 516.3 of Part 516 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.

With respect to persons employed in a bona fide executive, administrative, or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment including fringe benefits and perquisites. (This may be shown as "\$725 mo. \* \* \* \$165 wk. \* \* \* \$1,200 mo. plus 2 percent commission on gross sales \* \* \* on fee basis per schedule No. 2" with appropriate addenda such as "plus hospitalization and insurance plan A," "benefit package B," "2 weeks' paid vacation," etc.)

Signed at Washington, D.C., this 9th day of March 1973.

BEN P. ROBERTSON,  
Acting Administrator.

[FR Doc.73-5087 Filed 3-15-73;8:45 am]

# Title 33—Navigation and Navigable Waters

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-8R]

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

#### Escatawpa and Pascagoula Rivers, Miss.

This amendment changes the regulations for the Mississippi State Highway 63 bridge across the Escatawpa River and the U.S. 90 Highway bridge across the Pascagoula River to permit additional periods in which the draws of these bridges need not be opened for the passage of vessels. This amendment was circulated as a public notice dated January 22, 1973, by the Commandant, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-8P) on January 15, 1973 (38 FR 1510). Two comments were received. One supported the proposal and one opposed it on the grounds that a high level bridge should be built to provide for vessel passages at all times. The Coast Guard feels that these amended regulations will provide for the reasonable needs of navigation. If additional data justifies further amendments, such action will be taken at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revising § 117.485 to read as follows:

§ 117.485 Escatawpa River, Miss.; Mississippi State Highway 63 Bridge; mile 1.0.

The draw need not be opened for the passage of vessels, from 6 a.m. to 6:45 a.m., 7 a.m. to 7:30 a.m., 3:25 p.m. to 4 p.m., and 4:15 p.m. to 5 p.m., Monday through Friday, except on national holidays, when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

2. Revising § 117.495 to read as follows:

§ 117.495 Pascagoula River at Pascagoula, Miss.; U.S. 90 Highway Bridge.

The draw need not be opened for the passage of vessels from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, except on national holidays when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date. This revision shall become effective on April 23, 1973.

Dated: March 12, 1973.

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

[FR Doc.73-5093 Filed 3-15-73;8:45 am]

# Title 5—Administrative Personnel

## CHAPTER I—CIVIL SERVICE COMMISSION

### PART 550—PAY ADMINISTRATION (GENERAL)

Appendix A to Subpart I of Part 550 is amended by adding a new item (8), "Working on a drifting sea ice floe," under the duty "Exposure to Hazardous Weather or Terrain," to provide for paying a hazard differential for work performed out on sea ice.

The amendment, which is effective on the date shown in the schedule, reads as follows:

#### APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I  
Hazard Pay Differential, of Part 550 Pay Administration (General)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
***	***	***
(8) Working on a drifting sea ice floe. When the job requires that the work be performed out on sea ice, e.g., installing scientific instruments and making observations for research purposes.	25%	First pay period beginning after March 16, 1973.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964-65 Comp., p. 357)

[SEAL]

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

[FR Doc.73-5077 Filed 3-15-73;8:45 am]



# Title 41—Public Contracts and Property Management

## CHAPTER 114—DEPARTMENT OF THE INTERIOR

### PART 114-50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

#### Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Part 114-50, Title 41 of the Code of Federal Regulations (38 FR 3965, Feb. 9, 1973), is amended as set forth below.

Since these amendments simply correct minor discrepancies in the text, it is determined that the public rule making procedure is unnecessary and these amendments shall become effective on March 16, 1973.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

MARCH 9, 1973.

#### Subpart 114-50.1—General

1. Section 114-50.100 is revised to read as follows:

##### § 114-50.100 Purpose.

These regulations prescribe policies and procedures to insure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and Office of Management and Budget Circular No. A-103. All references in these regulations to sections or subsections are references to sections or subsections of the Act.

2. Section 114-50.105(a) is revised to read as follows:

##### § 114-50.105 Eligibility requirements.

(a) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property; or

#### Subpart 114-50.2—Definitions

3. Section 114-50.201(e) (5) is revised to read as follows:

##### § 114-50.201 Definition of terms.

(e) \* \* \*

(5) *Occupancy standards.* Occupancy standards for replacement housing shall comply with Bureau or Office approved occupancy requirements or comply with local codes.

#### Subpart 114-50.3—Uniform Real Property Acquisition Policy

4. Section 114-50.311(c) is revised to read as follows:

##### § 113-50.311 Notice to occupants upon initiation of negotiations.

(c) *Tenants of 90 days or more.* Within 15 days after the initiation of negotiations for the purchase or real property, each tenant of 90 days or more shall be personally contacted and furnished in writing:

#### Subpart 114-50.4—Relocation Assistance Advisory Services

5. Section 114-50.407-3 is revised to read as follows:

##### § 114-50.407-3 Relocation services—federally assisted programs.

State agencies receiving Federal financial assistance on a project may enter into agreements or contracts for the provision of relocation services in accordance with this Subpart 114-50.4. When a State agency elects to contract for these services, the Bureau or Office providing the Federal financial assistance shall take such action as is necessary to insure that the contract will facilitate a uniform and effective relocation program for the displaced persons. Any such contract shall include the following provisions, as a minimum:

6. Section 114-50.407-3(b) is revised to read as follows:

##### § 114-50.407-3 Relocation services—federally assisted programs.

(b) That records pertinent to the contract will be retained by the State agency for a period of at least 3 years and shall be available for examination by representatives of the Bureau or Office;

#### Subpart 114-50.5—Assurance of Adequate Replacement Housing Prior to Displacement

7. Section 114-50.501 is revised to read as follows:

##### § 114-50.501 Housing provided as last resort.

In any case where the survey and analysis of available replacement housing required by § 114-50.500 discloses that adequate replacement housing is not available and cannot otherwise be made available, the head of the Bureau or Office may take action or approve action by a State agency to develop replacement housing as authorized by section 206(a) of the Act. Bureaus and Offices taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart A. A State agency taking such action should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

#### Subpart 114-50.9—Replacement Housing Payments for Tenants and Certain Others

8. Section 114-50.906(b) is revised to read as follows:

##### § 114-50.906 Disbursement of rental replacement housing differential payment.

(b) Rental replacement housing payments of \$500 or less shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. Bureaus and Offices need not thereafter determine whether the displacee continues to occupy decent, safe, and sanitary housing.

[FR Doc. 73-5115 Filed 3-15-73; 8:45 am]

# Title 45—Public Welfare

## CHAPTER VIII—CIVIL SERVICE COMMISSION

### PART 801—VOTING RIGHTS PROGRAM Mississippi

Appendix A of Part 801 is amended to show that the Mississippi "Application to be Listed Under the Voting Rights Act of 1965" has been revised due to the fact that the Mississippi Legislature revised its election laws in certain respects.

Under the Forms of Application, the revised Mississippi application will read as follows:

Form approved  
Budget Bureau No. 50-RO436

#### APPLICATION TO BE LISTED UNDER THE VOTING RIGHTS ACT OF 1965

State of Mississippi, County of \_\_\_\_\_  
Instructions to the Applicant: Please fill out both sides of this form. If you need help in answering any question, the Examiner will help you.

1. Name \_\_\_\_\_  
(First) (Middle) (Last)
2. Date of Birth \_\_\_\_\_
3. Social Security No. \_\_\_\_\_
4. Are you a citizen of the United States? \_\_\_\_\_ ☐ Yes ☐ No
5. What is your present residence address and each place you have resided during the past year, stating when you lived at each place?  
(a) Present address \_\_\_\_\_  
From \_\_\_\_\_ to date.  
(b) Previous address \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_  
(c) Previous address \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_  
(If you need additional space, use the back side of this form.)
6. What is your election district?  
Beat \_\_\_\_\_ Precinct \_\_\_\_\_ City Ward \_\_\_\_\_
7. Are you now registered to vote in Mississippi? \_\_\_\_\_ ☐ Yes ☐ No  
(a) When: \_\_\_\_\_  
(b) What county: \_\_\_\_\_  
(c) Address at that time: \_\_\_\_\_
8. Have you ever been convicted of a crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy? \_\_\_\_\_ ☐ Yes ☐ No  
(a) Which crime? \_\_\_\_\_  
(b) When and where? \_\_\_\_\_  
Has the right to vote been restored? \_\_\_\_\_ ☐ Yes ☐ No  
If yes, when: \_\_\_\_\_
9. Have you ever been declared legally insane by a court? \_\_\_\_\_ ☐ Yes ☐ No  
If yes, when: \_\_\_\_\_  
Where: \_\_\_\_\_  
(a) When and where declared competent by a court: \_\_\_\_\_



10. (a) If you have a current driver's license, state its number and the address shown thereon:-----
- (b) If you own a motor vehicle, state license tag number and the county and State in which the vehicle is registered for ad valorem and road and bridge privilege tax purposes:-----
- (c) If you filed an income tax return for the year immediately past, state the address on your most recent income tax return:-----
- (d) If you own real property, state its location:-----
- (e) If you are receiving homestead exemption on any real property, state the location of all such property:-----
- (f) If you are currently employed, state the location of the place where you actually report for work:-----
- (g) State the location of any church affiliation or location of any other religious groups of which you are a member:-----
- (h) State the location of the greater amount of your personal possessions:-----
- (i) If you have a telephone, state its location and number:-----

11. Do you intend to make this precinct and county your fixed habitation, for a definite or indefinite length of time, to which you intend to return whenever absent?----- ☐ Yes ☐ No

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment.

STOP HERE. TAKE THE FORM TO THE EXAMINER

I do solemnly swear (or affirm) that I am at least eighteen (18) years old (or will be before the next election in this county), and that I am now in good faith a resident of this state and of-----  
election precinct in this county and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this state as a disqualification to be an elector; that I have truly answered all questions propounded to me in the foregoing application for registration; and that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God.

Signature (or mark) of applicant-----  
Sworn to (or affirmed) and subscribed before me this date-----

Examiner-----  
United States Civil Service Commission  
Certificate of Eligibility Issued—No-----  
Notice of Ineligibility Issued—No-----  
CSC Form 805-M  
Revised February 1973

(Secs. 7, 9, 79 Stat. 440; 42 U.S.C. 1973e, 1973g)

Dated: March 5, 1973.

UNITED STATES CIVIL SERVICE  
COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-5078 Filed 3-15-73; 8:45 am]

# CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

## PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

### Subpart—Travel Regulations for CAP Grantees and Delegate Agencies (OEO Instruction 6910-1)

Notice is hereby given that the regulation set forth below is promulgated as an interim regulation by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulation published below is effective on the date indicated therein. Moreover, in view of the nature of the problems which this regulation is designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to its effective date would be impracticable and contrary to the public interest.

The regulation below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 15, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify this interim regulation as he deems appropriate and publish it as a permanent regulation in the FEDERAL REGISTER.

Subpart 1069.3 of Chapter X of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 1069.3-5 is revised, as follows:

### § 1069.3-5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may only use OEO grant funds to reimburse out-of-the-community travel costs incurred by the grantee and/or delegate agency employees, consultants, and members of governing or administering boards after receipt of prior written approval for such out-of-the-community travel from the Principal Assistant to the Director for Operational Activities or his designee.

(b) This restriction shall not apply to legal services attorneys who must travel

out of the community to attend a court session or conduct necessary interviews of witnesses or take depositions of necessary witnesses in connection with a pending or proposed legal proceeding arising within the community. Travel by legal services attorneys for activities other than the above must have the prior written approval of the Director of Legal Services or his designee.

2. Section 1069.3-6 is revised, as follows:

### § 1069.3-6 Approval of travel outside the continental United States.

(a) All travel outside the limits of the 48 continental United States must be approved in advance, in writing, by the Principal Assistant Director for Operational Activities or his designee.

(b) Similar approval is required for travel within the continental United States by CAP grantees in Alaska, Hawaii, and the U.S. Territories.

**Effective date.** The sections of this subpart are effective on March 16, 1973.

HOWARD PHILLIPS,  
Acting Director.

[FR Doc.73-5083 Filed 3-15-73; 8:45 am]

## Title 46—Shipping

### CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 30]

### PART 308—WAR RISK INSURANCE

#### Interim Binders; Correction

In FR Doc. 72-16461, appearing in the FEDERAL REGISTER issue of September 26, 1972 (37 FR 20117) Part 308 was amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure*, 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight April 7, 1973, G.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight October 7, 1973, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: March 12, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.73-5126 Filed 3-15-73; 8:45 am]



## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-250]

## PART 0—COMMISSION ORGANIZATION

## Delegation of Authority to Chief, Field Engineering Bureau

*Order.* In the matter of amendment of § 0.311 of the Commission's rules relating to authority delegated to Chief, Field Engineering Bureau.

1. Alien pilots and flight crewmembers continuously seek waivers of the citizenship requirements of section 303(1) of the Communications Act and the geographic restriction requirements of § 13.4 (c) of the rules in order to obtain restricted radiotelephone operator permits. Pursuant to § 13.11(c) such applications must be signed by individual applicants.

2. Foreign airlines have recently begun to submit applications on behalf of their pilots for whom waiver of the Rules are sought and restricted permits requested. In each instance the appropriate form and fee is submitted for each individual named and an assurance made that the named permittee will sign the permit individually immediately upon receipt. The permit in any event is not valid until so signed.

3. The Chief and Deputy Chief, Field Engineering Bureau, are delegated the authority to grant the waiver requests of section 303(1) of the Act and § 13.4(c) of the rules, pursuant to § 0.311(a) (9) and (11) of the rules.

4. The Commission believes that an extension of this delegated authority to permit the granting of waiver of the individual applicant's signature requirement of § 13.11(c) by the Chief and Deputy Chief, Field Engineering Bureau, would support the handling of the existing delegation and assist in the orderly and expeditious handling of the Commission business.

5. This amendment relates to the internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of these amendments is contained in section 4(i) and 5 (b) and (d) of the Communications Act of 1934, as amended.

6. Accordingly, it is ordered, Effective March 21, 1973, that § 0.311(a) of the rules is amended by deleting subparagraph (10) (presently reserved) and substituting the following new § 0.311 (a) (10):

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) . . .

(10) To act on requests for waiver of the individual signature requirement in § 13.11(c) of this chapter on applications for commercial operator permits and licenses.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 7, 1973.

Released: March 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 73-5096 Filed 3-15-73; 8:45 am]

[Docket No. 19512; FCC 73-262]

## PART 73—RADIO BROADCAST SERVICES

## FM Broadcast Stations in Adrian, Mich. and West Lafayette, Ind.

*Second report and order.* In the matter of amendment of § 73.202, *Table of assignments*, FM broadcast stations (Adrian, Mich., and West Lafayette, Ind.), Docket No. 19512, RM-1820, RM-1822.

1. The Commission has before it for consideration the FM channel assignment proposal, RM-1822, West Lafayette, Ind., remaining for disposition in this proceeding, instituted by notice of proposed rule making, released on May 23, 1972 (FCC 72-430, 37 FR 10579). Previously, one proposal, RM-1791, Winchendon, Mass., was severed from this proceeding and consolidated into Docket No. 19540 by Order, released July 11, 1972 (FCC 72-604). The other proposal, RM-1820, Adrian, Mich., was disposed of by the First Report and Order, released herein on November 13, 1972 (FCC 72-997, 37 FCC 2d 1021).

2. *West Lafayette proposal.*<sup>1</sup> The petitioner, Thomas Jurek, proposes the assignment of FM Channel 280A to West Lafayette, Ind. (population, 19,157), for a first FM assignment for which he can apply. West Lafayette is located in west-central Illinois, adjoining the larger community of Lafayette, Ind. (population, 44,955), on the west, separated only by the Wabash River and connected by bridges. Both communities are in Tippecanoe County (population, 109,378), in the same standard metropolitan statistical area (coextensive with Tippecanoe County), and in the same urbanized area (population, 79,117). While without an FM assignment or outlet, West Lafayette has an AM broadcast outlet, an unlimited-time AM educational operation (WBAA), licensed to Purdue University. It is also served by the Lafayette AM and FM broadcast stations. These number two commercial AM stations, one of which is an unlimited-time operation (WASK) and the other (WAZY), a day-time-only operation; three commercial FM stations, two of which operate on class A channels (WAZY-FM and WXUS), and the other, on a class B channel (WASK-FM); and an educational FM station (WJJE), operating on an educational channel assignment

(220A). Station WLFI-TV at Lafayette also serves West Lafayette.

3. Comments supporting his West Lafayette Channel 280A proposal were filed by Jurek. Comments opposing the proposal were filed by Lafayette Broadcasting, Inc. (Lafayette Broadcasting), licensee of Stations WASK-(AM) and WASK-FM; by Tiprad Broadcasting Co., Inc. (Tiprad), licensee of FM Station WXUS; and by WCVL, Inc., licensee of Station WCVL, an unlimited-time AM broadcast station, at Crawfordsville, Ind. Reply comments were filed by Jurek and the two opposing Lafayette licensees.<sup>2</sup>

4. *Crawfordsville, Ind., counterproposal.* The WCVL comments also included a counterproposal, proposing the assignment of Channel 280A to Crawfordsville, Ind., instead of to West Lafayette, Crawfordsville (population, 13,842) is located about 27 miles south of West Lafayette in Montgomery County (population, 33,930). In addition to WCVL's AM station (WCVL), Crawfordsville has one FM outlet, Station WNDY, which operates on Channel 292A, the only FM channel assigned to Crawfordsville and in Montgomery County. This station is licensed to Wabash College Radio, Inc., described by the licensee in its license file as an "Indiana not-for-profit corporation organized for the purpose of owning and operating a radio station as a facility which will provide training for college students." The opposing Lafayette licensees also support adoption of this alternative Channel 280A assignment proposal.

5. Channel 280A can be assigned to West Lafayette in conformance with all minimum mileage separation requirements without any change in other channel assignments and without adverse preclusionary effect on new adjacent channel assignments. As noted in the rule making notice on the proposal, however, a West Lafayette Channel 280A assignment would foreclose assignment of Channel 280A to Crawfordsville or to any one of three other communities in this area of Indiana (Logansport, Frankford

<sup>1</sup> A letter opposing the use of Channel 280A at West Lafayette was also received from Charles L. Brown of West Lafayette. His opposition stems from probable interference from a West Lafayette Channel 280A station to reception in the West Lafayette area of Station WFIU, which operates on class B Channel 279 at Bloomington, Ind., located some 90 miles south of West Lafayette. Since the normal service contour of class B FM stations which the Commission's rules recognize in the assignment of channels extends no more than approximately 35 miles, this consideration would not be a basis for not making the proposed Channel 280A assignment at West Lafayette. (It is noted also that since Bloomington is located in the same general direction as Crawfordsville, and the signal from a Crawfordsville station would be much stronger than that of the Bloomington Station (WFIU), the alternatively proposed assignment of Channel 280A to Crawfordsville would also be likely to cause interference to reception of the Bloomington FM station in the West Lafayette area.)

<sup>2</sup> Commissioner Reid absent.

<sup>3</sup> Population figures are from the 1970 U.S. Census reports unless otherwise specified.



or Delphi). Logansport (population, 19,255) has one AM broadcast station (WSAL) and two FM channels assigned (Channel 272A, occupied by Station (WSAL-FM, and Channel 237A, occupied by Station WVTL at nearby Monticello). Frankford (population, 14,956) has one AM broadcast station (WLO) also and one FM channel (259) assigned, occupied by Station WLO-FM. Delphi (population, 2,582) is without an FM assignment or aural broadcast outlet. Other available FM channel assignment possibilities in this area appear nonexistent, and an opportunity was afforded in this proceeding for comparative consideration of any Channel 280A assignment proposals submitted for these communities with that for West Lafayette. Only one for Crawfordsville was submitted, and since this record evidences present demand and interest in assignment and use of Channel 280A only at West Lafayette or Crawfordsville, and there appear no public interest reasons for preferring the other three communities where Channel 280A could be assigned, considering their size and existing assignments and stations, we think it justifiable to narrow our consideration to West Lafayette or Crawfordsville for the requested Channel 280A assignment.

6. In support of his West Lafayette Channel 280A proposal, Jurek stresses in his comments, as he did in his prior showing, that West Lafayette, although contiguous to the larger community of Lafayette, is not a suburb of Lafayette but an independent "sister" city. To indicate that West Lafayette is an independent city of sufficient significance to warrant a first local FM outlet of its own, he points out that it has a completely separate and independent city government, its own police and fire department, schools, public library and 25 churches. He also points out that Purdue University, with 37,000 enrolled students, of which about 25,000 study at the West Lafayette campus, is situated in West Lafayette, as are a number of growing industries, such as Centralab Electronics, CTS Corp., Lafayette Pharmacal, Lafayette Pipe Co., and Warren Industrial Aggregates Corp. In addition he offers statistics to show that the per capita income in West Lafayette is higher than in Lafayette and that the population growth trend is greater in West Lafayette than in Lafayette. He bases this on the fact that between 1960 and 1970 West Lafayette increased from 12,680 to 19,157 in population (a 51-percent increase) whereas Lafayette increased from 42,330 to 44,955 (a 6-percent increase) in population.

7. Jurek affirms that if Channel 280A is assigned to West Lafayette, he will apply for the channel and, if authorized, build and operate on it. He urges that because of the importance of West Lafayette as a University Center, it is a "natural" place for an FM station and that an FM station there stands a much better chance for success than in some small rural community. He states that, if authorized to operate on Channel 280A at West Lafayette, he will install stereophonic trans-

mission equipment and provide an entertainment service compatible with the "hi fi" equipment commonly used in the academic community without neglecting the public affairs, instructional, news, and other listening tastes of the community as a whole.

8. WCVL, in opposition to the Jurek West Lafayette Channel 280A proposal and in support of its alternative Crawfordsville Channel 280A proposal, contends that while West Lafayette is technically an independent community, the fact remains that it and Lafayette are part of the same urbanized area and the same standard metropolitan statistical area; form a single radio market, and, for all practical purposes, are a single metropolitan area whose two principal parts are connected by three bridges. Since there are two AM stations at Lafayette, and another AM station at West Lafayette, as well as three commercial FM stations at Lafayette (also an FM educational station), it urges that the needs of Crawfordsville for the channel are more compelling than those of West Lafayette since it has only two local stations (Station WCVL, its AM operation, and FM station WNDY, licensed to Wabash College Radio, Inc., which operates commercially on Channel 292A), neither of which, it asserts, is able at the present time to meet all of the needs of the residents of the Crawfordsville area.

9. In support of this position, WCVL avers that Station WNDY is not a full-time FM station in any real sense and does not fully meet Crawfordsville's needs for local FM service since it normally is not in operation during the summer months. It notes that in 1972 Station WNDY suspended operation on April 30 and was not scheduled to resume operation until the opening of college in the fall. WCVL also points out that its unlimited-time AM station at Crawfordsville, which operates with 250 watts power and is required to use a directional antenna at night, is severely restricted in coverage and cannot fully satisfy the needs of the area normally associated with Crawfordsville. The situation, it claims, is especially disturbing in the early morning when there is a public need for school information and up-to-the-minute information about severe weather conditions. Because of the restricted nighttime coverage of its AM station, it states that many of the station's daytime listeners are deprived of its nighttime sports and other program services. WCVL estimates that almost half of the more than 33,000 people in

\* Our records show that Station WNDY requested permission to remain silent for that period, giving as reasons therefore, that, due to the fact that the station is operated by Wabash College students, there would be insufficient personnel available to maintain operation during that period; that the station's engineer would be leaving the area for the summer; and that the station could not afford to hire personnel over the summer. Permission to suspend operation of Station WNDY from Apr. 30, 1972, through summer vacation was granted on Apr. 12, 1972.

Crawfordsville's home county (Montgomery) are without adequate broadcast service, and it avers that, if Crawfordsville is assigned Channel 280A, it will promptly file an application for use of the channel to provide such service.

10. The Lafayette licensees, Lafayette Broadcasting and Tiprad, essentially oppose the West Lafayette Channel 280A proposal on grounds that Lafayette and West Lafayette are one market and should be so considered in making a fair, efficient, and a just assignment of FM frequencies pursuant to section 307(b) of the Communications Act; that both Lafayette and West Lafayette are more than adequately served by existing AM and FM commercial and educational stations in this market; that there is no need for another FM station in this market area to serve any unserved needs or interests of West Lafayette; and that the economic impact of an additional FM station in the market would adversely affect the existing FM stations serving the area. Tiprad claims that the petitioner's request is nothing more than an attempt to secure an additional channel for the Greater Lafayette Area without regard to its effect on the other local broadcast media, the needs or interests of West Lafayette, or the inability of West Lafayette to support a station. Lafayette Broadcasting urges that it is not efficient procedure to make an assignment to a small town in a metropolitan area, and then at the application stage to decide that the 307(b) mandate requires a showing on whether the small town has programming needs distinct and different from those of the larger city; whether the program needs of the small town are being met by the existing station, and whether there is financial support for the proposed station available in the small town. "Berwick Broadcasting Corporation," 20 F.C.C. 2d 393 (1969). It is submitted that before assigning an FM channel to West Lafayette, the Commission should consider whether better use might be made of the channel in another locality, especially in view of the scarcity of FM channels in this area of Indiana. In their reply comments, both of the Lafayette licensees support the WCVL counterproposal to assign Channel 280 to Crawfordsville instead of to West Lafayette since they feel that the Crawfordsville area is inadequately served at present by the local 250 watt AM station and the FM station (which normally operates only from September to April) at Crawfordsville and would benefit substantially from having a first "real" FM station.

11. To buttress their contention that Lafayette and West Lafayette are one market the Lafayette opponents of the proposed West Lafayette FM assignment state that, besides being adjacent communities in the same county and in the same urbanized and standard metropolitan statistical area, these cities are not considered separate cities by local residents and that the area of Lafayette and West Lafayette is known as Greater Lafayette; they also point out that these



cities are represented by a single Chamber of Commerce, known as the Greater Lafayette Chamber of Commerce; that there is one United Fund Service for both cities; that residents of each city shop and do business in both cities as distance is no factor, and that the banks, chainstores, and many other stores have branches and stores in both cities. Although Purdue University, the largest employer in the area, has its campus in West Lafayette, they inform that over half of the university's 6,000 employees live in Lafayette. Tiprad also observes that the proponent of the West Lafayette proposal in attempting to differentiate West Lafayette from Lafayette called attention to the number of growing industries in West Lafayette but that, of the five listed by Jurek, two are located in Lafayette (Lafayette Pipe Co. and Lafayette Pharmacal), and there is no listing in either city for a third (Warren Industrial Aggregate Corp.). Tiprad further notes that the proponent, in pointing to the growth of West Lafayette between 1960 and 1970, failed to mention that much of the growth was largely the result of annexation and that between 1968 and 1970 West Lafayette's population declined from 20,100 to 19,957.

12. In taking issue with Jurek's claim that West Lafayette needs a first local FM outlet, the Lafayette licensee opponents contend that he makes no showing that there is any dearth of service by existing stations to either West Lafayette or Lafayette or that his proposed West Lafayette FM assignment is needed to serve any unsatisfied local needs of the community. Tiprad notes that, based on plans revealed in a submitted excerpt in the Lafayette and West Lafayette Journal and Courier on May 23, 1972, and a submitted copy of an official county ordinance, it appears that Jurek intends to locate a studio and transmitter for its proposed West Lafayette FM operation southeast of Lafayette, thus placing the entire city of Lafayette between the station and West Lafayette and providing Lafayette with a better signal than West Lafayette, and to feature country and western music, old hit tunes, and news. It is submitted that such a program service could not possibly serve as a basis for adding an FM channel to an area which is already adequately served by existing media. To show that both communities are well served, examples of programs carried by the existing commercial and educational FM stations in the market are given. With its reply comments, Lafayette Broadcasting also submits letters from the mayors of Lafayette and West Lafayette and officials of the Greater Lafayette Chamber of Commerce which comment favorably on the local aural broadcast coverage given to news and special events in both cities.

13. As to the economic impact of an additional FM station in the Lafayette-West Lafayette market, Tiprad states that it is already a loss market for FM stations, pointing to the fact that FCC AM-FM Broadcast Financial Data for

1970 (Mimeo No. 78309, released January 6, 1972, Table 20) show that 1970 FM revenues were only \$54,160, based on reports from all three Lafayette commercial FM stations. Although no profit and loss figures are published for Lafayette-West Lafayette, it submits that it is inconceivable that three FM stations could split such revenues profitably. As for its own independent FM station (WXUS), Tiprad states that it has operated at significant losses since its inception but that it now sees some prospect of reversing this pattern. The advent of a fourth FM competitor for existing advertising revenues in this market would, it believes, significantly lessen or extinguish that possibility. Further, it claims that, in the face of reduced revenues which a new station is likely to bring, it is very likely that it would have to curtail the operating hours of Station WXUS, which now operates on a 24-hour-a-day basis, or give up the wire service (UPI) which it uses in order to reduce costs. Where loss markets, such as Lafayette-West Lafayette for FM stations, are concerned, Tiprad urges that it is no service to the community to further dilute the existing economic base by adding an additional station which can only have an adverse impact upon the existing media. It further claims that the economic base in the Lafayette-West Lafayette market primarily lies in Lafayette and not West Lafayette where there are only seven manufacturing establishments,\* six wholesale trade establishments,† and only 102 retail trade establishments as compared to nearly five times that number in Lafayette. Both Lafayette opponents also submit that there has been no showing by the West Lafayette proponent as to the ability of West Lafayette to support the proposed FM station.

14. In his reply comments, Jurek urges that it would be contrary to the mandate of section 307(b) to allocate frequencies in a fair, efficient, and equitable manner to prefer Crawfordsville over West Lafayette for the requested Channel 280A assignment since it is not only considerably smaller than West Lafayette but already has both an existing AM and FM station while West Lafayette has but one AM station. Moreover, he submits that the WCVL proposal for use of the channel has no potential to bring about greater diversification of the ownership of media of mass communication whereas his proposal for use of the channel has that potential.

15. We think it clear from this record that the assignment of Channel 280A to Crawfordsville for a second FM assignment is more in furtherance of the "307(b)" mandate and the public interest than would be the assignment of the channel to West Lafayette for a first such assignment. Taking into account only

\* Source given: 1967 Census of Manufacturers—Area Statistics, Indiana, 15-6, 15-7 (Pt. 1, Vol. III).

† Source given: 1967 Census of Business—Wholesale Trade, Indiana, Area Statistics, 16-11 (Vol. IV).

the size of each community and the number of local aural outlets each has, normally, we might conclude that West Lafayette warranted the proposed assignment over Crawfordsville. However, West Lafayette, albeit an independent community, is an integral part of the Lafayette-West Lafayette metropolitan area and, while it has only one local AM outlet actually located within its boundaries, it receives multiple local aural services also from the seven Lafayette stations (two AM, four FM, one of which is an educational station) which serve this metropolitan area. The West Lafayette proponent has made no showing which would demonstrate that West Lafayette has any local programming needs distinct from the rest of the Lafayette-West Lafayette metropolitan area or any which are not or cannot be satisfied by the eight existing aural commercial and educational stations in this market, and the showings of the Lafayette opponents tend to indicate that it is well served. We do not here assess the economic impact of another FM station in this market upon the existing local stations and overall program service to the public upon the showing made herein, or without an application with a specific proposal before us. Similarly, we make no finding concerning whether West Lafayette itself could provide the principal support for its own commercial FM outlet or could exist and thrive without looking to the larger community of Lafayette for support.

16. On the other hand, this record evidences that Crawfordsville and Montgomery County, due to the technical limitations restricting the coverage of the Crawfordsville AM outlet and the operating problems of the student-managed FM outlet there, is without even one local aural outlet which provides a county-wide, year-round broadcast service. Since Channel 280A is technically feasible for a Crawfordsville assignment, we think its assignment and use there to meet the need for a first year-round local aural service throughout all of Montgomery County represents a better use of the frequency and better serves the public interest than would its assignment and use at West Lafayette for an eighth aural outlet and service in the Lafayette-West Lafayette metropolitan area. We also are not deterred from making this assignment to Crawfordsville because of the claimed lack of potential of the WCVL proposal for implementing our important goals for greater diversification of broadcast ownership and programming sources. While this is a relevant consideration at the application stage, it cannot be realistically assessed in channel assignment proceedings such as this, for while WCVL, the licensee of the existing AM outlet at Crawfordsville, is the only one to indicate an interest in establishing a new FM outlet at Crawfordsville in this proceeding, it is by no means certain that it will be the only applicant or the successful applicant for Channel 280A once it is assigned. In any case, because of a number of overriding



public interest considerations, our rules at the present time do not preclude common ownership of AM and FM stations in the same market when otherwise found to be warranted in the public interest.

17. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective April 23, 1973, the FM Table of assignments, § 73.202(b) of the rules, is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Crawfordsville, Ind.	280A, 292A

Canadian concurrence has been obtained for this channel assignment to Crawfordsville which is within 250 miles of the United States-Canadian border.

18. *It is further ordered*, That the request (RM-1822) of Thomas Jurek to assign Channel 280A to West Lafayette, Ind., is denied.

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

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

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 73-5095 Filed 3-15-8:45 am]

#### Title 49—Transportation

#### CHAPTER I—DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-6, Docket No. HM-6C]

#### PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

#### Telephonic Accident Reports

The purpose of this amendment is to broaden the requirements of § 195.52 to provide for immediate notification of certain types of accidents not presently covered by that section.

On June 23, 1971, the Federal Railroad Administrator issued Notice 71-20 (36 FR 12175, June 26, 1971) proposing to amend the accident reporting requirements for operators of liquid pipelines. The public was given 60 days to comment and one commentator responded.

Subsequent to the issue of Notice 71-20, section 6(f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655(f) (3) (A)) was amended (Public Law 92-401, Aug. 22, 1972) to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835. On November 7, 1972, the Secretary delegated this authority to the Assistant Secretary for Safety and Con-

sumer Affairs (37 FR 24674) and on the same day the Assistant Secretary redelegated it to the Director, Office of Pipeline Safety (37 FR 24901). The Office of Pipeline Safety (OPS) has reviewed this rule making action and has fully considered the comment received.

The commentator addressed several provisions of the proposed regulation. Overall, it was suggested that the proposed regulation was broader than § 195.50 and would require telephonic reporting of minor leaks for which no written report would be required. In this regard, it should be noted that § 195.50 prescribes the scope of Subpart B and therefore delimits the applicability of the other regulations therein. Consequently a leak or other failure would not have to be telephonically reported under new § 195.52 unless it also fell within the scope of the subpart as set forth in § 195.50. This has been clarified by referring to § 195.50 in § 195.52(a). In this connection, in order to be consistent with § 195.50, the amended § 195.52 employs the more comprehensive term "failure" rather than "leak."

The comment pointed out that the proposed paragraph (a) (2), which would have required telephonic reporting for taking a segment of pipeline out of service, was not appropriate for liquid pipelines. Such a requirement is necessary for gas pipelines, because of serious safety problems that can arise from taking a gas transmission pipeline out of service. In the case of liquid pipelines, however, they can be taken out of service at the discretion of the carrier without causing safety problems. The OPS agrees with this view and the proposed requirement has been deleted.

It was also suggested that the property damage and personal injury criteria are sufficient to assure immediate notification of all significant failures and that the requirement for reporting of fires and explosions could be deleted. However, the OPS believes that any failure resulting in an unintentional fire or explosion might be significant enough to warrant review by the Department even though there were no injuries and only limited property damage.

The commentator stated that the \$5,900 property damage amount in proposed paragraph (a) (4) was unrealistically low and should be set at \$20,000. Since damage to carrier-owned property is included and even minor repairs are very expensive, it was contended that the \$5,000 figure would impose an undue burden on the Department and the carriers. However, based on a review of accident reports, the OPS believes that the \$5,000 figure is a good indication of the potential significance of a failure, even if none of the other criteria are met. The requirement is, therefore, being retained as proposed.

The most significant disagreement was with the proposed requirement for immediate reporting of failures causing water pollution. The commentator objected strongly to this proposal on the basis that it duplicated existing requirements under 33 CFR 153.105 and could

easily be replaced by a simple communications arrangement within the Department between the cognizant office and the Coast Guard. It must be noted, however, that the reports required by 33 CFR 153.105 can be made either to Coast Guard officials or officials of other Government agencies. Furthermore, even if the report were made to the Coast Guard, the officials involved would normally be located in field offices, thus requiring more than one communication within the Department to convey the necessary information to the OPS. The possibility for delay or loss of essential facts makes this an unacceptable alternative. Direct reporting by the operator involved is necessary to assure prompt, reliable submission of information. However, to the extent the comment is based on the lack of an identifiable standard for pollution, the OPS agrees with the objection to the proposal. Therefore, for consistency and to provide the necessary standard, the requirement (now § 195.52(a) (4)) is amended to state the same criteria for pollution as are used in 33 CFR 153.105.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows, effective April 19, 1973.

1. The index of sections for Part 195, Subpart B, is amended by revising the section heading of § 195.52 to read: "Telephonic notice of certain accidents."

2. Section 195.52 is amended to read as follows:

#### § 195.52 Telephonic notice of certain accidents.

(a) At the earliest practicable moment following discovery of a release of the commodity transported resulting in an event described in § 195.50, each carrier shall give notice, in accordance with paragraph (b) of this section, of any failure that—

- (1) Caused a death or a personal injury requiring hospitalization;
- (2) Resulted in either a fire or explosion not intentionally set by the carrier;
- (3) Caused estimated damage to the property of the carrier or others, or both, of a total of \$5,000 or more;
- (4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or
- (5) In the judgment of the carrier, was significant even though it did not meet the criteria of any other subparagraph of this paragraph.

(b) Reports made under paragraph (a) of this section are made by telephone to area code 202, 426-0700 and must include the following information:

- (1) Name and address of the carrier.
- (2) Name and telephone number of the reporter.
- (3) The location of the failure.
- (4) The time of the failure.
- (5) The fatalities and personal injuries, if any.

\* Commissioner Reid absent. See 37 FR 24353, Nov. 16, 1972.



(6) All other significant facts known by the carrier that are relevant to the cause of the failure or extent of the damages.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 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 to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 13, 1973.

JOSEPH C. CALDWELL,  
Director,  
Office of Pipeline Safety.

[FR Doc. 73-5127 Filed 3-15-73; 8:45 am]

#### Title 7—Agriculture

#### Subtitle A—Office of the Secretary of Agriculture

#### PART 6—IMPORT QUOTAS AND FEES

#### Subpart—Section 22 Import Quotas

##### IMPORT RESTRICTIONS

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 62 to 69 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) will be increased as of March 15, 1973.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

##### § 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 69 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 69 cents per pound.

The foregoing amendment shall be effective March 15, 1973. In accordance with headnote 3(a)(v) of part 3 of the Appendix to the Tariff Schedules of the

United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 62 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 14th day of March 1973.

EARL L. BUTZ,  
Secretary of Agriculture.

[FR Doc. 73-5268 Filed 3-15-73; 11:29 am]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 577]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 18-24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act, of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

##### § 910.877 Lemon Regulation 577.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is steady this week, with desirable sizes commanding premium prices because they are in short supply. Average f.o.b. price was \$5.69 per carton the week ended March 10, 1973 compared to \$5.58 per carton the previous week. Track and rolling supplies at 126 cars were up 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.



(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 18, 1973, through March 24, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 15, 1973.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.73-5274 Filed 3-15-73;12:56 pm]

**CHAPTER XI—AGRICULTURAL MARKET-  
ING SERVICE (MARKETING AGREE-  
MENTS AND ORDERS; MISCELLANE-  
OUS COMMODITIES), DEPARTMENT OF  
AGRICULTURE**

[Amdt. 1]

**PART 1207—POTATO RESEARCH AND  
PROMOTION PLAN**

**Subpart—Rules and Regulations**

This amendment adds a new section to the rules and regulations by establishing a revised date to begin the term of office for the National Potato Promotion Board so that newly appointed members may participate in the Board's annual meeting set for the first Monday in April. The Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207). This plan is effective under the Potato Research and Promotion Act (title III of Public Law 91-670; 84 Stat. 2041).

Upon unanimous recommendation of the National Potato Promotion Board, the term of office for Board members is amended to begin on April 1 and to end of March 31, 3 years thereafter.

A new section, 1207.504, is hereby added to the rules and regulations to read as follows:

**§ 1207.504 Term of office.**

(a) Pursuant to § 1207.321 of the plan, the term of office of Board members is amended to begin April 1 and end on March 31. Such term shall be for 3 years except for initial members serving unexpired terms.

(b) Board members shall serve during the term of office for which they are selected and have qualified and until their successors are selected and have qualified.

*Findings.* It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after its publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that

(1) this amendment was unanimously recommended by the Board, (2) this amendment does not impose any added restrictions on handlers or producers and

is favored by the Board members whose terms will be affected thereby and (3) prompt issuance is necessary so newly nominated Board members may begin their term prior to the Board's annual meeting the first Monday in April and thus participate in initial decisions for the ensuing marketing year.

(Title III, Public Law 91-670, 84 Stat. 2041; 7 U.S.C. 2611-2627)

*Effective date:* This amendment to become effective March 16.

Dated: March 12, 1973.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.73-5081 Filed 3-15-73;8:45 am]

**CHAPTER XVIII—FARMERS HOME AD-  
MINISTRATION, DEPARTMENT OF AGRI-  
CULTURE**

**SUBCHAPTER B—LOANS AND GRANTS  
PRIMARILY FOR REAL ESTATE PURPOSES**

[FHA Instruction 444.1]

**PART 1822—RURAL HOUSING LOANS  
AND GRANTS**

**Loan Limitations**

Section 1822.7(f) of Subpart A of Part 1822, Title 7, Code of Federal Regulations (35 FR 14901) is amended to permit loans up to the market value of the security to be made only on homes that are more than 1 year old or in the case of newly built homes, the construction inspections are made by the Farmers Home Administration, the Federal Housing Administration, or the Veterans Administration while the work is being done. Loans on homes that do not meet these requirements are limited to 90 percent of the market value of the security.

This amendment is being published without prior rulemaking, because to proceed with rulemaking would be impracticable since advance notice of the action being taken would enable home builders and developers to circumvent certain limitations which are included in the amendment for the protection of borrowers. The amendment will limit the amount of loan authorized on homes not inspected during construction unless the home is more than 1 year old. It will be applicable to all homes on which construction is started after March 14, 1973, and to any homes started before that date for which a rural housing loan application has not been filed, in good faith by an eligible applicant to buy the house, within 90 days after the date of this publication. This amendment will better protect the interest of the family buying the home and of the Government. As amended, the revised § 1822.7(f) will read as follows:

**§ 1822.7 Special requirements.**

(f) *Loan limitations.* (1) Subject to the conditions of paragraphs (f) (3) and (4) of this section no loan will be made

that will exceed the amounts described in paragraph (f) (1) (i), (ii), or (iii) of this section.

(i) The market value of the security property less the unpaid principal balance plus past-due interest on any other liens against the security property unless the loan approval official determines that:

(A) The amount by which the market value is exceeded is all or part of a lien held by a public body, hospital, or welfare institution for advances made to or for the applicant family for hospital or medical bills or welfare payments, or State motor vehicle judgments, and

(B) The borrower is unable to settle or compromise such other lien sufficiently to avoid exceeding the market value, and

(C) The lien securing the excess amount will at all times be inferior to the FHA mortgage securing the initial loan and any subsequent loan or advances determined by the FHA to be reasonably necessary to carry out the purpose of the initial loan or to protect the Government's financial interest, and

(D) The existence of the excess lien will not adversely affect the security or servicing so as to preclude the making of a sound RH loan, and

(E) The borrower has the ability to meet any payments on the excess debt as they become due or are likely to become due.

(ii) In a note-only case, the market value of the applicant's equity in assets that would be acceptable as security for the loan as determined by the loan approval official.

(2) A loan docket will not be developed when a loan plus any other liens against the security would be significantly in excess of the market value of the security as recommended by the appraiser. In an unusual case, however, the amount of a loan needed for success plus any other liens that will be against the security is slightly above the recommended market value of the security and the County Supervisor believes that the loan should be made. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is justifiable to establish the market value of the security above the appraiser's recommended value. If the State Director determines that the market value is in excess of the appraiser's recommended value, the State Director will record his determination of the market value of the security on Form FHA 440-3, "Record of Actions." This authority will not be redelegated below the State Office level.

(3) For an RH loan to buy or build a dwelling, a loan up to the market value of the security may be made only for:

(i) A newly built dwelling for which:

(A) A conditional commitment was issued in accordance with Subpart H of this part, or

(B) The RH loan will be closed prior to the start of construction, or

(C) Construction is performed in accordance with § 1822.19, or



(D) The required construction inspections were made by the Federal Housing Administration or the Veterans Administration and there is evidence that the dwelling has been completed in accordance with the approved plans and specifications. Evidence may consist of copies of the Federal Housing Administration or Veterans Administration final inspection report, documentation by the County Supervisor that he has seen a copy of such inspection report, or a letter from the Federal Housing Administration or

Veterans Administration stating that the dwelling was built in accordance with approved plans and specifications.

(ii) An existing dwelling which is more than a year old.

(iii) Other dwellings on which construction was started prior to March 16, 1973, provided that a loan application is filed, in good faith by an eligible applicant to buy the dwelling, on or before June 14, 1973.

(4) The maximum amount of RH loan on any dwelling that does not meet the requirements of paragraph (f) (3) (i),

(ii), or (iii) of this section is 90 percent of the market value of the security.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Act. Sec. of Agr., 36 FR 21529, 37 FR 22008)

*Effective date.* This amendment shall become effective on March 14, 1973.

Dated: March 8, 1973.

DARREL A. DUNN,  
Associate Administrator,  
Farmers Home Administration.

[FR Doc. 73-4936 Filed 3-15-73; 8:45 am]



# Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ 26 CFR Parts 250, 275 ]

### PUERTO RICO AND THE VIRGIN ISLANDS

Liquors and Other Articles; Importation of Cigars, Cigarettes, and Cigarette Papers and Tubes

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before April 16, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

REX D. DAVIS,  
Director, Bureau of  
Alcohol, Tobacco and Firearms.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

Approved: March 8, 1973.

EDWARD L. MORGAN,  
Assistant Secretary of the  
Treasury.

In order to (1) permit deferral, until the last day of the next succeeding return period, of the filing of tax returns and payment of taxes in Puerto Rico on alcoholic and tobacco products shipped from Puerto Rico to the United States, (2) require that applications for modifi-

cation of Forms 52A, 52B, and 338 be submitted in triplicate, and (3) make certain definitional changes, the regulations in 26 CFR Parts 250 and 275 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Paragraph (e) of § 250.112 is amended to provide an extended deferral period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, paragraph (e) reads as follows:

§ 250.112 Taxes to be collected by returns for semimonthly periods.

(e) *Filing.* The original and two copies of returns on Forms 2901, 2927, and 2929, with remittance covering the full amount of the tax, shall be filed with the Officer in Charge not later than the 3d business day next succeeding the last day of the return period: *Provided*, That a proprietor who is qualified for extended deferral, as provided in § 250.112a, shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. Where the return and remittance are delivered by U.S. mail to the office of the Officer in Charge, the date of the official postmark of the U.S. post office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this paragraph falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

2. A new § 250.112a, covering qualification for extended deferral, is added immediately following § 250.112 and reads as follows:

§ 250.112a Qualification for extended deferral.

(a) *Proprietors with bonds executed before (effective date).* Proprietors with bonds on Forms 2896, 2897, or 2898 executed before (effective date), who desire to file returns under this subpart with benefit of the extended deferral permitted by § 250.112(e), shall file with the Officer in Charge a consent of surety on Form 1533 to extend the terms of the bond. Each consent on Form 1533 shall

identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions and limitations of terms and conditions previously consented to and approved), notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 250.112(e).

If the bond on Form 2896, 2897, or 2898 is in a penal sum insufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable, the proprietor must either file a new bond or file a strengthening bond to increase the total penal sum of the bonds then in force to a sufficient penal sum.

(b) *Proprietors with bonds executed after (effective date).* Proprietors operating under original or superseding bonds executed after (effective date) are automatically qualified for the extended deferral permitted by § 250.112(e) (unless found in default as provided in § 250.112(f)). Such bonds must be executed in a penal sum sufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable.

(c) *Commencement of extended deferral.* Proprietors may file returns with benefit of extended deferral only after the applicable bonds and consents of surety required by this section have been filed with and approved by the Officer in Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

3. Sections 250.165 and 250.274 are amended to specify the number of applications to be submitted. As amended, §§ 250.165 and 250.274 read as follows:

§ 250.165 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be purchased by users from commercial printers and must be in the form prescribed: *Provided*, That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

§ 250.274 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be provided by users at their own expense and must be in the form prescribed: *Pro-*



vided, That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. B. Title 26 CFR Part 275 is amended as follows:

1. Section 275.11 is amended by revising the definitions of "Assistant regional commissioner" and "Director"; by adding, in alphabetical order, definitions of "Regional director" and "Business day"; and by eliminating the definitions of "Commissioner" and "Regional commissioner." As amended and added these definitions read as follows:

**§ 275.11 Meaning of terms.**

*Assistant regional commissioner.* Wherever used in this part shall mean a regional director as defined in this section.

*Business day.* Any day, other than a Saturday, Sunday, or a legal holiday. (The term legal holiday includes all holidays in the District of Columbia and, in the case of bonded manufacturers in Puerto Rico, all legal holidays in the Commonwealth of Puerto Rico.)

*Director.* The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

*Regional director.* A regional director who is responsible to, and functions under the direction and supervision of, the Director.

2. Section 275.114 is amended to provide an extended deferral period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, § 275.114 reads as follows:

**§ 275.114 Time of filing.**

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That if a bonded manufacturer is qualified for extended deferral, as provided in § 275.114a, he shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. If the return and remittance are delivered by U.S. mail to the office of the Officer in Charge, the date of the official postmark of the U.S. post office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this section falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered

timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. The Officer in Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Regional Director, Bureau of Alcohol, Tobacco and Firearms, New York, N.Y.

3. A new § 275.114a, covering qualification for extended deferral, is added immediately following § 275.114 and reads as follows:

**§ 275.114a Qualification for extended deferral.**

(a) *Bonded manufacturers with bonds executed before (effective date).* Bonded manufacturers with bonds on Form 2986 executed before (effective date), who desire to file returns under this subpart with benefit of the extended deferral permitted by § 275.114, shall file with the Officer in Charge an extension of coverage of bond on Form 2105. Such extension of coverage shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved) notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 275.114.

If the bond on Form 2986 is in a penal sum insufficient to cover an extended deferral period, according to the requirements of § 275.121, the bonded manufacturer must either file a new bond or file a strengthening bond to increase the total penal sum of the bonds then in force to a sufficient penal sum.

(b) *Bonded manufacturers with bonds executed after (effective date).* Bonded manufacturers operating under original or superseding bonds executed after (effective date) are automatically qualified for the extended deferral permitted by § 275.114 (unless found in default as provided in § 275.116). Such bonds must be executed in a penal sum sufficient to cover an extended deferral period, according to the requirements of § 275.121.

(c) *Commencement of extended deferral.* Bonded manufacturers may file returns with benefit of extended deferral only after the applicable bonds and extensions of coverage required by this section have been filed with and approved by the Officer in Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

4. Section 275.124 is amended to refer to the requirements of § 275.114a regarding extensions of coverage of bonds. As amended, § 275.124 reads as follows:

**§ 275.124 Extension of coverage of bond.**

An extension of coverage of the bond of a bonded manufacturer shall be required (a) as provided in § 275.114a, and (b) in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the

bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

[FR Doc.73-5090 Filed 3-15-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### [ 50 CFR Part 28 ]

### OPERATION OF VEHICLES ON NATIONAL WILDLIFE REFUGES

#### Notice of Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Volume 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, until April 16, 1973.

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

MARCH 13, 1973.

[FR Doc.73-5072 Filed 3-15-73; 8:45 am]

### National Park Service

#### [ 36 CFR Parts 2, 4, 7 ]

### PUBLIC USE AND RECREATION'S VEHICLES AND TRAFFIC SAFETY OFF-ROAD USE OF VEHICLES

#### Notice of Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Volume 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, until April 16, 1973.

LAWRENCE C. HADLEY,  
Assistant Director,  
National Park Service.

MARCH 8, 1973.

[FR Doc.73-5070 Filed 3-15-73; 8:45 am]



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [14 CFR Part 71]

[Airspace Docket No. 73-SW-17]

## TRANSITION AREA

## Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Minden, La.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 16, 1973, 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 Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

In § 71.181 (38 FR 435), the following transition area is added:

## MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.) and within 2.5 miles each side of Shreveport VORTAC 105° T. (098° M.) radial extending from the 5-mile-radius area to 25 miles east of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Minden-Webster Airport, Minden, La.

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

Issued in Fort Worth, Tex., on March 6, 1973.

R. V. REYNOLDS,

Acting Director, Southwest Region.

[FR Doc. 73-5068 Filed 3-15-73; 8:45 am]

## Federal Highway Administration

## [49 CFR Part 396]

[Docket No. MC-48; Notice No. 73-12]

## INSPECTION AND MAINTENANCE OF COMMERCIAL MOTOR VEHICLES

## Advance Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering the issuance of extensive amendments to Part 396 of the Motor Carrier Safety Regulations, which deals with inspection and maintenance of commercial motor vehicles which are used in interstate or foreign commerce.

Part 396 requires motor carriers who conduct operations in interstate or foreign commerce to inspect and maintain their equipment on a systematic basis. In particular, it provides that carriers must maintain prescribed records detailing the servicing, inspection, and repair that each piece of equipment has undergone (§ 396.2), and that drivers must make a daily written report to employing carriers setting forth any defects or deficiencies in their vehicles that the drivers have encountered during the day's work (§ 396.7). Part 396 also contains recommended maintenance practices and forms for use by motor carriers (§ 396.9).

Proper maintenance of commercial motor vehicles is obviously essential to safety of motor carrier operations, which the Bureau is charged by law with promoting. The basic technique used to monitor the quality of vehicle maintenance and condition is roadside inspections of commercial motor vehicles during the course of their operations. In 1971, the Bureau of Motor Carrier Safety's field staff inspected nearly 38,000 property-carrying vehicle units at roadside checkpoints in all sections of the country.

The results of these inspections do not inspire much confidence in the efficacy of current maintenance practices of some members of the motor carrier industry. Some 23.8 percent of the vehicles inspected in 1971 were found to be mechanically unsafe to the point where they were declared out of service by the inspector. These vehicles were not allowed to depart from the place of inspection until repairs to restore them to safe operating condition had been made. The proportion of inspected vehicles that has been found unserviceable has been on the increase in recent years, reaching a high point of 24.2 percent in the first half of 1971. In 1970, the out-of-service rate was 24.0 percent. In 1969 and 1968, the out-of-service rate was 23.1 percent and 22.3 percent, respectively. The historical trend, in terms of the percentage of vehicles inspected that were placed out of service, indicates that carriers' vehicle inspection and maintenance practices are becoming less and less effective as time goes on.

During calendar year 1970, the Bureau of Motor Carrier Safety received 2,333

accident reports from for-hire carriers which indicated that one or more mechanical defects or failures were causative factors in the accidents. These accidents resulted in 50 fatalities, 962 injuries, and \$7,774,110 in property damage. Faulty brake systems were by far the largest single mechanical defect: over 24 percent of the accidents involving mechanical defects reported by property carriers were attributed, in whole or in part, to brake system defects, and over 54 percent of the mechanical defect bus accidents involved failures or defects of the vehicles' brake systems. Since brake system defects rarely arise suddenly after dispatch as the result of external causes, the Bureau has concluded that a large percentage of the motor carrier accidents which are caused by defects or mechanical failures could have been prevented or had their consequences mitigated by proper vehicle inspection and maintenance practices.

Complaints to the Bureau by truck and bus drivers who allege that their employers are following poor maintenance practices are becoming commonplace. The most disturbing feature of the complaints is the frequent allegation by drivers that the carriers exhibit indifference to drivers' reports of unsafe mechanical conditions. Even if one assumes that a number of unjustified reports of this nature are made, the fact remains that the driver is one of the best sources of information about the mechanical performance of vehicles operating on the highway, and simple prudence would seem to dictate that carriers should investigate these reports. Yet, the Bureau is receiving a steadily increasing volume of complaints that drivers have repeatedly called mechanical defects to the attention of the employing carriers, and the carriers have failed to take any action in response to the reports.

For these reasons, the Director is considering revision of Part 396 of the Motor Carrier Safety Regulations for the purpose of producing better vehicle inspection and maintenance practices.

One suggestion that will be considered was made by the Professional Drivers Safety and Health Organization (PROD) in a recent petition for rulemaking seeking an amendment to § 396.7 of the regulations. The PROD petition asks the Director to amend § 396.7, which deals with the drivers' daily vehicle condition reports, so that the drivers' vehicle condition reports for the preceding 3 weeks or a complete vehicle maintenance log, or both, would have to be located on each vehicle at all times while it is being operated in interstate or foreign commerce. The maintenance log would contain a description of any mechanical repairs or maintenance work performed on the vehicle, the date when the repairs or work was performed, and the name of the mechanic who performed the work or made the repairs. In support of the petition, PROD says that drivers are presently unable to detect most safety



defects by visual inspection before they are dispatched from their terminals. Requiring carriers to maintain a maintenance log in a place where a driver can examine it prior to dispatch will, according to the petition, make it possible for a driver to learn the true condition of his equipment before it is too late to do something about an unsafe vehicle.

The Director invites interested persons to comment on the amendment sought by the petitioner. In addition, interested persons are invited to submit their comments on other ideas which may form the basis for rulemaking in this area. The Director particularly invites the submission of comments on the following questions: (1) Should written pre-trip and post-trip inspection reports be required? If so, who should perform the inspection? (2) Should carriers be required to locate on each vehicle a summary of maintenance and inspection records pertaining to that vehicle, including a record of pre- and post-trip inspections and a summary of general repair and maintenance services performed? (3) Should the regulations require carriers to have a general maintenance and inspection program based on length of time or miles traveled? (4) Should the regulations prescribe specific maintenance and inspection forms for periodic vehicle inspections? If so, what

should be the content of those forms? (5) What, if any, maintenance requirements should be specified for nonowned vehicles, i.e., vehicles used under trip leases, leases for less than 30 days, and permanent leases? (6) Should the regulations require that, when a motor carrier acquires a used motor vehicle, he must also acquire all maintenance and inspection records pertaining to that vehicle? If so, should the regulations require motor carriers who sell used vehicles to transfer maintenance and inspection records to the buyers? (7) What procedures should be used to resolve driver-mechanic disputes concerning whether specific conditions constitute a safety defect? (8) What safeguards or sanctions should be employed against a driver or motor carrier for willful destruction, alteration, or obliteration of data on required inspection and maintenance records?

Comments on pertinent subjects, other than those specified above, would also be welcome. Although further action in this docket may include the issuance of a notice of proposed rule making, interested persons are urged to submit their comments, even if tentative, at as early a stage as possible.

All comments should refer to the docket number and the notice number appearing at the top of this document

and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on August 1, 1973, will be considered before further action is taken. If, after review of the comments and other available information, the Bureau concludes that an amendment to the existing regulations may be appropriate, the Director will issue a notice of proposed rule making. All comments on this advance notice will be available for public inspection in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street SW., Washington, DC, both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of 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 March 8, 1973.

ROBERT A. KAYE,  
Director,

Bureau of Motor Carrier Safety.

[FR Doc.73-5116 Filed 3-15-73; 8:45 am]



# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### GENERAL AVIATION AND AIR CARRIER DISTRICT OFFICES AT SEATTLE, WASH.

##### Notice of Consolidation

Notice is hereby given that on or about March 18, 1973, the General Aviation and Air Carrier District Offices at Seattle, Wash., will be consolidated into one Flight Standards District Office. Services provided by these offices will continue to be provided at the same locations until approximately August 1973, when the consolidated office will occupy space in the new Northwest Region Headquarters Building located on Boeing Field. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Wash., on March 5, 1973.

C. B. WALK, Jr.,  
Director, Northwest Region.

[FR Doc.73-5067 Filed 3-15-73; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 73-74]

#### FOREIGN CURRENCIES

##### Certification of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from February 26 through March 2, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL]

R. N. MARRA,  
Director, Appraisal and  
Collections Division.

Country	Currency	Feb. 26	Feb. 27	Feb. 28	Mar. 1	Mar. 2
Australia	Dollar	\$1.4150	\$1.4100	\$1.4100	\$1.4100	(*)
Austria	Schilling	.0481	.0481	.0482	.0487	(*)
Belgium	Franc	.025125	.025133	.02548	.025400	.025750
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	.1580	.1580	.1580	.1580	(*)
Denmark	Krone	.1598	.1609	.1619	.1628	.1663
Finland	Markka	.2560	.2540	.2550	.2525	(*)
France	Franc	.2180	.2196	.2210	.2227	.2223
Germany	Deutsche mark	.3469	.34995	.3529	.3545	.3610
India	Rupee	.1325	.1330	.1330	.1325	(*)
Ireland	Pound	2.4650	2.4680	2.4900	2.5000	2.5000
Italy	Lira	Q	Q	Q	Q	.001808
Japan	Yen	.003765	.003760	.003764	.003765	.003815
Malaysia	Dollar	.3950	.3950	.3950	.3950	Q
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3469	.3492	.3507	.3520	.3580
New Zealand	Dollar	1.3205	1.3205	1.3206	1.3210	(*)
Norway	Krone	.1663	.1665	.1673	.1709	.1767
Portugal	Escudo	.0397	.0394	.0394	.0395	(*)
Republic of South Africa	Rand	1.4000	1.4000	1.4000	1.4000	(*)
Spain	Peseta	.017147	.017033	.017147	.017227	(*)
Sweden	Krona	.2343	.2343	.2345	.2353	.2340
Switzerland	Franc	.3671	.3125	.3195	.3195	.3195
United Kingdom	Pound	2.4650	2.4680	2.4900	2.5000	2.5000

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.

\*Rate certified as "Not Available"; use last preceding rate.

[FR Doc.73-5049 Filed 3-15-73; 8:45 am]

### Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 15]

#### NATIONAL BONDING AND ACCIDENT INSURANCE COMPANY

##### Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation

of \$121,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

National Bonding and Accident Insurance Company  
St. Louis, Missouri  
New York

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain quali-

fied (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 7, 1973.

[SEAL]

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.73-5088 Filed 3-15-73; 8:45 am]

[Dept. Circ. 570, 1972 Rev., Supp. No. 16]

#### NATIONAL SURETY CORPORATION—FIREMAN'S FUND INSURANCE COMPANY OF ILLINOIS

##### Surety Companies Acceptable on Federal Bonds; Termination and Change of Name

National Surety Corporation, a New York corporation, merged into Fireman's Fund Insurance Company of Illinois, an Illinois corporation, effective December 31, 1972. The latter company simultaneously changed its name to National Surety Corporation and is the surviving corporation. Confirmation of this action has been received and filed in the Treasury. Both companies have offices in San Francisco, California, and hold Certificates of Authority as acceptable sureties on Federal bonds under sections 6 to 13 of title 6 of the United States Code. The companies were last listed at 37 FR 13598 and 13596, respectively, on July 11, 1972. Accordingly, the Certificates of Authority held by the companies are hereby terminated effective December 31, 1972.

The surviving corporation has acquired the assets and assumed the liabilities of the merged corporation and has been issued a Certificate of Authority as an acceptable surety on Federal bonds, effective January 1, 1973 with an underwriting limitation of \$8,104,000 as follows:

Name of company, location of principal executive office, and State in which incorporated:

National Surety Corporation  
San Francisco, California  
Illinois

In view of the foregoing, no action need be taken by bond-approving officers by reason of the merger and change of name set forth above with respect to any bond or other obligation in favor of the United States or in which the United States has an interest direct or indirect issued prior to January 1, 1973, pursuant to the Cer-



tificates of Authority issued to the companies by the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 7, 1973.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.73-5089; Filed 3-15-73; 8:45 am]

#### Office of the Secretary

#### PRIMARY LEAD METAL FROM CANADA

##### Antidumping Proceeding Notice

MARCH 13, 1973.

On February 16, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that primary lead metal from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,  
Assistant Secretary  
of the Treasury.

[FR Doc.73-5232 Filed 3-15-73; 9:53 am]

#### PRIMARY LEAD METAL FROM AUSTRALIA

##### Antidumping Proceeding Notice

MARCH 13, 1973.

On February 16, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regula-

tions (19 CFR 153.26, 153.27), indicating a possibility that primary lead metal from Australia is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,  
Assistant Secretary  
of the Treasury.

[FR Doc.73-5233 Filed 3-15-73; 9:53 am]

#### DEPARTMENT OF DEFENSE

##### Department of the Army

##### ARMY SCIENTIFIC ADVISORY PANEL

##### Notice of Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Scientific Advisory Panel.

Date: 19-20 March 1973.

Place: Walter Reed Army Institute of Research, Washington, D.C.

Time: 0800-1700 hours, 19 March; 0800-1200, 20 March.

Agenda: Attached.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., 202-695-7487.

R. B. BELNAP,  
Special Advisor to TAG.

MARCH 8, 1973.

AGENDA—U.S. ARMY SCIENTIFIC ADVISORY PANEL, MARCH 19-20, 1973

STERNBERG AUDITORIUM, WALTER REED ARMY INSTITUTE OF RESEARCH, WASHINGTON, D.C. 20012

MONDAY, MARCH 19

0800 Opening Remarks, Mr. Lawrence H. O'Neill, Chairman, ASAP.

0805 Welcome, Lt. Gen. Hal B. Jennings, Jr., The Surgeon General, DA.

0815 Why Medical R&D?, Dr. Chris J. D. Zarafonitis.

0835 Contributions of Military Medicine, Col. Robert J. T. Joy, Deputy Director, Walter Reed Army Institute of Research.

0905 Discussion.

0925 Future of Military Medicine (Resources, No Doctor Draft, H.R. 2, Regionalization, etc. Broader than R&D), Maj. Gen. Richard R. Taylor, Deputy Surgeon General.

0945 Discussion.

1000 Break.

1015 Army Medical R&D Program Overview, Brig. Gen. Robert Bernstein, Commanding General, U.S. Army Medical Research and Development Command.

1040 Discussion.

1100 Aviation Medicine, Lt. Col. N. Bruce Chase, Environmental Quality Research Directorate, U.S. Army Medical Research and Development Command.

1130 Discussion.

1200 Lunch-Walter Reed Officers' Open Mess.

1335 Drug and Alcohol Research Program, Col. Harry Holloway, Director, Division of Neuropsychiatry, Walter Reed Army Institute of Research.

1355 Drug Abuse Identification Research, Col. Charles R. Angel, Director, Division of Biochemistry, Walter Reed Army Institute of Research.

1415 Detoxification Research, Lt. Col. Norman W. Ream, Walter Reed Army Institute of Research.

1435 Discussion.

1445 Break.

1500 Environmental Hazards Research, Col. Leslie B. Altstatt, Director of Environmental Quality Research, U.S. Army Medical Research and Development Command.

1545 Dental Research, Lt. Col. Robert Johnson, Surgical Research Directorate, U.S. Army Medical Research and Development Command.

1615 Discussion.

1630 Skin Disease Research, Lt. Col. Alfred Allen, Division of Preventive Medicine, Walter Reed Army Institute of Research.

1650 Discussion.

1700 Social Hour-Walter Reed Officers' Open Mess.

1800 Banquet-Walter Reed Officers' Open Mess, General Alexander Haig, Vice Chief of Staff, USA, Guest Speaker.

TUESDAY, MARCH 20

0800 Infectious Disease Research, Col. Garrison Rapmund, Chief, Life Sciences Division, Office of the Chief of Research and Development, DA.

0820 Medical Defense Against Biological Agents, Col. Dan Crozier, Commanding Officer, U.S. Army Medical Research Institute of Infectious Diseases.

0840 Malaria Research, Col. Francis C. Cadigan, Jr., Director of Medical Research, U.S. Army Medical Research and Development Command.

0900 Discussion.

0930 Break.

0950 Burn Research, Col. Basil A. Pruitt, Jr., Commanding Officer, U.S. Army Institute of Surgical Research.

1010 Discussion.

1030 Panel for Questions, Brig. Gen. Bernstein and Research Subject Presenters.

1130 Summation, Dr. Anthony R. Curreri.

1200 Lunch.

1315 Business Meeting.

[FR Doc.73-5075 Filed 3-15-73; 8:45 am]



## DEPARTMENT OF DEFENSE

## Office of the Secretary

## CHARTER FOR THE DEFENSE INVESTIGATIVE SERVICE

## Establishment

The Secretary of Defense approved the following:

## REFERENCES

- (a) DOD Directive 5200.26, "Defense Investigative Program," dated February 17, 1971.<sup>1</sup>  
 (b) Delimitations Agreement of February 23, 1949.<sup>2</sup>  
 (c) DOD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the DOD," dated March 1, 1971.<sup>1</sup>  
 (d) 10 U.S.C. 133.

I. General. Pursuant to the authority vested in the Secretary of Defense by reference (d), the Defense Investigative Service (DIS) (DOD Directive 5105.42, April 18, 1972, as amended March 12, 1972), is established as a separate operating agency of the Department of Defense (DOD) under the direction, authority and control of the Secretary of Defense.

## II. Organization. DIS will consist of:

- A. A Director, a Deputy Director, and a headquarters establishment.  
 B. Such subordinate units, field activities, and facilities as established by the Director, DIS, or are herein or hereafter assigned specifically to DIS by the Secretary of Defense. DIS will limit its investigations to the 50 States and the Commonwealth of Puerto Rico. The Military Departments will be requested to accomplish investigative requirements of the DIS in other areas.

## III. Mission and responsibilities. A.

The mission of DIS is to provide DOD components, and other U.S. Government activities when authorized by the Secretary of Defense, with a single centrally-directed personnel security investigative service operating in accordance with provisions of reference (c). (DOD components are defined for the purposes of this Directive as the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, the Military Departments, Unified and Specified Commands and Defense Agencies.)

B. The Director, DIS, will be responsible for:

1. Conducting, directing and controlling all Personnel Security Investigations (PSI) for DOD components, including investigation of allegations of subversive affiliations, suitability information, or hostage situations that may be required to complete the PSI.
2. Operating a consolidated central PSI Control Center.
3. Operating the National Agency Check Center.
4. Operating the Defense Central Index of Investigations.

<sup>1</sup> Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

<sup>2</sup> Classified document.

5. Programing, budgeting, funding, accounting, and reporting the activities of DIS in accordance with the policies and procedures established by the Secretary of Defense.

6. Providing advice and assistance to and participating as a nonvoting member on the Defense Investigative Review Council (DIRC).

7. Assuring that all investigators receive appropriate training and are fully qualified to conduct PSI's according to established standards.

IV. Supervision. Staff supervision of the DIS for the Secretary of Defense will be exercised by the Assistant Secretary of Defense (Comptroller).

V. Functions. Under its Director, and in accordance with the assignments of responsibility in section III, above, the DIS is authorized to perform the following functions:

A. Conduct all PSI's for DOD components and, when authorized by the Secretary of Defense, other U.S. Government agencies.

B. Provide DOD components and other U.S. Government agencies with the results of these investigations as appropriate.

C. When feasible and within available resources, provide investigative assistance, upon request, to supplement the investigative efforts of other DOD components.

D. When authorized, maintain liaison on matters of mutual interest with and, within limits of established policy, render appropriate assistance to investigative, law enforcement, intelligence, counterintelligence, and other United States and foreign government activities. Keep the Secretary of Defense informed on such activities, through the ASD(C).

E. Conduct surveys and prepare analyses, special studies, and estimates on investigative matters within the purview of DIS.

F. Obtain from requesting DOD components and other U.S. Government activities, for record and statistical purposes, information on actions taken and final disposition of matters investigated by DIS.

G. Refer all matters developed as a result of PSI's which have a significant counterintelligence or criminal aspect to the appropriate civilian or military investigative agency. Counterintelligence, as used herein, shall mean those investigative activities, both offensive and defensive, designed to detect, neutralize or destroy the effectiveness of foreign intelligence activities. The provisions of reference (b) will govern.

H. Establish standards and procedures for certification and accreditation of civilian and military personnel assigned to DIS investigative departments.

I. Such other special investigations as the Secretary of Defense may direct.

J. Review criminal records of police departments, law enforcement agencies, and state record repositories in carrying out its mission and responsibilities.

VI. Authorities. The Director, DIS, is specifically delegated authority to:

A. Exercise direction, authority, and control over DIS.

B. Exercise the administrative authorities contained in enclosure 1 of this Directive.

VII. Relationships. A. In the performance of his functions, the Director, DIS shall:

1. Maintain appropriate liaison with DOD components and other agencies for the exchange of information and programs in the field of assigned responsibilities.

2. Maintain a close working relationship with military department investigative agencies, commanders, and security and military policy program managers to insure responsiveness and integration of effort.

3. Make use of existing DOD facilities and services whenever practicable to achieve maximum efficiency and economy.

4. Enter into agreements with Heads of DOD components to provide for direct communications on investigative lead matters between the DIS investigative staff and all levels of the Military Department investigative agencies.

5. Provide personnel security investigative support to the Director, National Security Agency, through separate agreement with him to include investigation scope and reporting procedures.

B. DOD components shall cooperate and assist the DIS by providing access to information within their respective fields so that the Director, DIS, may carry out his assigned mission.

C. Military Departments shall insure that overseas investigative agencies provide prompt responses to DIS lead requests in order to expedite investigative matters within the mission of DIS. The Director, DIS, will provide programing and workload projection information to the Military Departments for their use in budgeting, and otherwise organizing for their operational support of the DIS.

VIII. Administration. A. The Director and Deputy Director, DIS, will be appointed by the Secretary of Defense. When the Director and Deputy Director are both military officers, they will normally be from different Military Departments.

B. The DIS will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

C. Military personnel will be assigned to the DIS from the Military Departments in accordance with approved authorizations and procedures for assignment to joint duty.

IX. Effective date and implementation. This Directive is effective upon publication. In the event of conflict between this Directive and previous directives and instructions, the provisions of this Directive will govern. All DOD components will review their existing directives, instructions, and regulations for conformance with this Directive; advise the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the results of this review within 30 days and imple-



ment any necessary changes within 90 days of the publication of this Directive.

**MAURICE W. ROCHE,**  
*Director, Correspondence and  
Directives Division, OASD  
(Comptroller).*

#### DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Director, DIS, or, in the absence of the Director, a person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DIS to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (10 U.S.C. 1580), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 302), pertaining to the employment, direction, and general administration of DIS civilian personnel.

2. Fix rates of pay for wage board employees exempted from the Classification Act by 5 U.S.C. 5102(c)(7) on the basis of rates established under the Coordinated Federal Wage System, DIS, in fixing such rates, shall follow the wage schedules established by DOD Wage Fixing Authority.

3. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DIS functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the executive branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943, as amended, 5 U.S.C. 2903(b), and designate in writing, as may be necessary, officers and employees of DIS to perform this function.

5. Establish a DIS Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishment, or other personal efforts, including special acts or services, benefit or affect DIS or its subordinate activities in accordance with the provisions of the Act of September 1, 1954, as amended, 5 U.S.C. 4503, and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 7532); Executive Order 10450, dated April 27, 1953, as amended; and DOD Directive 5210.7, dated September 2, 1966 (as revised):

a. Designate any position in DIS as a "sensitive" position;

b. Authorize, in case of an emergency, the action in the agency for a limited period of appointment of a person to a sensitive position for whom a full field investigation or other appropriate investigation, including the national security check, has not been completed; and

c. Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DIS.

7. Clear DIS personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of

DOD Directive 5210.8, dated February 15, 1962 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 11652, dated March 8, 1972.

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, 26 U.S.C. 3122, and section 205(p)(1) and (2) of the Social Security Act, as amended, 42 U.S.C. 405(p)(1) and (2), with respect to DIS employees.

9. Authorize and approve overtime work for DIS civilian officers and employees in accordance with the provisions of section 550.111 of the Civil Service Regulations.

10. Authorize and approve:

a. Travel for DIS civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, Department of Defense, Civilian Personnel, dated July 1, 1965, as amended.

b. Temporary duty travel only for military personnel assigned or detailed to DIS in accordance with Joint Travel Regulations, Volume I, for members of the Uniformed Services, dated November 1969, as amended.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to or in connection with DIS activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 5703).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DIS for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412). This authority cannot be delegated.

12. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950, 44 U.S.C. 3102.

13. Enter into and administer contracts, directly or through a military department, a DOD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DIS. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the secretarial level of a military department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

14. Establish and use Imprest Funds for making small purchases of material and services other than personal for DIS when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DOD Instruction 7280.1, dated August 24, 1970, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

15. Authorize the publication of advertisements, notices, or proposals in public periodicals as required for the effective administration and operation of DIS (44 U.S.C. 3702).

16. a. Establish and maintain appropriate property accounts for DIS.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and

drop accountability for DIS property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

17. Promulgate the necessary security regulations for the protection of property and activities under the jurisdiction of the Director, DIS, pursuant to subsections III.A. and V.B. of DOD Directive 5200.8, dated August 20, 1954.

18. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1, dated March 7, 1961.

19. Enter into support and service agreements with the Military Departments other DOD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DIS.

20. Issue appropriate implementing documents and establish internal procedures to assure that the selection and acquisition of ADP resources are conducted within the policies contained in DOD Directive 4105.55, dated May 19, 1972, the Federal Property Management Regulations and Armed Services Procurement Regulations.

The Director, DIS may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authority is effective immediately.

[FR Doc. 73-5124 Filed 3-15-73; 8:45 am]

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice CM-12]

## STUDY GROUP 7 OF U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

### Notice of Meeting

#### Correction

In FR Doc. 73-4899 appearing on page 6910 in the issue for March 14, 1973, in the fifth line of the first paragraph the meeting date now reading "March 10, 1973" should read "March 30, 1973".

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

## CONTROL OF OFF-ROAD VEHICLES ON RECLAMATION LANDS

### Notice of Time Extension for Comments

Notice of proposed policy and criteria for the control of off-road vehicle use on Reclamation lands, as published in the FEDERAL REGISTER, Vol. 38, No. 30, February 14, 1973, at page 4421 provided for the receipt of written comments, suggestions, or objections on or before March 16, 1973.

At the request of interested parties, the time for such submissions relating to the proposed policy and criteria has been extended to afford the general public better opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed policy and



criteria to the Commissioner of Reclamation, 18th and C Streets NW., Washington, D.C. 20240, on or before April 16, 1973.

GILBERT G. STAMM,  
Acting Commissioner  
of Reclamation.

MARCH 6, 1973.

[FR Doc.73-5071 Filed 3-15-73;8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 73-25]

#### GATEWAY COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Gateway Coal Co. (Petitioner) in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, petitions for modification of the following mandatory safety standards as they apply to the main belt haulageway at the Gateway Mine.

I. Mandatory Safety Standard, Title 30—Mineral Resources, Part 75—Mandatory Safety Standards, Underground Coal Mines.

Section 75.1103—Automatic fire warning devices. On or before May 29, 1970, devices shall be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

Section 75.1103-1—Automatic fire sensors. A fire sensor system shall be installed on each underground belt conveyor. Sensors so installed shall be of a type which will (a) give warning automatically when a fire occurs on or near such belt; (b) provides both audible and visual signals that permit rapid location of the fire.

The following implementing regulation sections are also applicable and the company requests a variance from these implementing regulations describing the details required in automatic sensor equipment on belt haulageways which became effective on the date of publication in the FEDERAL REGISTER, namely, August 16, 1972, and were required to be installed 180 days from the date of publication:

Section 75.1103-2—Automatic fire sensors and warning device systems, minimum requirement; general.

Section 75.1103-4—Automatic fire sensors and warning device systems; installation; minimum requirements.

Section 75.1103-5—Automatic fire warning devices, manual resetting.

Section 75.1103-6—Automatic fire sensor; actuation of fire suppression systems.

Section 75.1103-7—Electrical components; permissibility requirements.

Section 75.1103-8—Automatic fire sensors and warning device systems; inspection and test requirements.

Section 75.1103-10—Fire suppression systems; additional requirements.

II. Alternate method. Petitioner requests a modification of the aforementioned mandatory safety standards and implementing regulations as they apply

to the main belt haulageway at the Gateway Mine.

The Gateway Mine has installed and presently operates a closed-circuit TV system on its main belts which monitors conditions on the belt. This closed-circuit TV system is monitored constantly during every working shift and for 4 hours after a belt is shut down by a trained man located in a control room. Because of the airflow in the mine and the location of the TV cameras monitoring each belt transfer point on the main belt, smoke can readily be detected if it occurs anywhere along the main belt and the location of a fire can be quickly determined. The control room operator can stop any belt by merely opening a switch. Through the use of a dial telephone system, men anywhere in the mine can be alerted if a fire occurs. In addition, the TV cameras monitor control boxes which indicate conditions of the belt-drive equipment for all main and face belt drives. Petitioner indicates that in all probability, before a fire would start on the belt line, conditions would be detected. Further, the belt-drive equipment has special shutdown devices built in which will, in most instances, automatically shut down the belt before fire conditions occur.

III. Measure of protection. This alternate fire detection method, on the main belt haulageway, allegedly, will detect smoke by a monitored closed-circuit TV system. This TV system also monitors control panels indicating the conditions at the belt drives. Petitioner states that this, coupled with excellent means of communication in the mine, will at all times guarantee no less than the same measure of protection afforded the miners at Gateway Mine by the mandatory safety standard and implementing regulations requiring an automatic fire sensor and warning device system on a belt haulageway.

Parties interested in this petition shall file their answer or comments and, if they wish a hearing, their request for one, on or before April 16, 1973, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,

Director,

Office of Hearings and Appeals.

MARCH 7, 1973.

[FR Doc.73-5076 Filed 3-15-73;8:45 am]

#### Office of the Secretary

[INT DES 73-12]

#### PROPOSED WILDERNESS CLASSIFICATION FOR JOSHUA TREE NATIONAL MONUMENT, CALIFORNIA

##### Notice of Availability of Revised Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the

Department of the Interior has prepared a revised draft environmental statement for Proposed Wilderness Classification for Joshua Tree National Monument, California, and invites written comment on or before April 30, 1973. Written comment should be addressed to the Director, Western Region or to the Superintendent, Joshua Tree National Monument at the addresses given below.

The revised draft environmental statement considers the designation of 372,700 acres of Joshua Tree National Monument as wilderness, with a total of 66,800 acres proposed as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.

Office of the Superintendent, Joshua Tree National Monument, Post Office Box 875, Twentynine Palms, CA 92277.

Dated: March 12, 1973.

W. W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.73-5114 Filed 3-15-73;8:45 am]

[INT DES 73-13]

#### PROPOSED WILDERNESS CLASSIFICATION FOR SAGUARO NATIONAL MONUMENT, ARIZONA

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for Proposed Wilderness Classification for Saguaro National Monument, Ariz., and invites written comment on or before April 30, 1973. Written comment should be addressed to the Director, Western Region or to the Superintendent, Saguaro National Monument at the addresses given below.

The draft environmental statement considers the designation of 42,000 acres of Saguaro National Monument as wilderness and a total of 27,100 acres proposed as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.

Office of the Superintendent, Saguaro National Monument, Post Office Box 17210, Tucson, AR 85710.

Dated: March 12, 1973.

W. W. LYONS,  
Deputy Assistant  
Secretary of the Interior.

[FR Doc.73-5113 Filed 3-15-73;8:45 am]



## DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

DIRECTORS OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE  
COMMODITY OFFICES ET AL.Designation of Agents To Receive Service  
of Process

The Directors and Acting Directors of the ASCS Commodity Offices, the Directors and Acting Directors of the State ASCS Offices and the Chief and Acting Chief of the Kansas City ASCS Claims Field Office, are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective States in which the offices of such agents are located.

The name and address of the individual occupying any such position at the time suit is instituted may be obtained from the local County ASCS Office or from Commodity Credit Corporation, Washington, D.C. 20250.

This supersedes the designation of agents to receive service of process issued by the Acting Executive Vice President, Commodity Credit Corporation, dated March 22, 1962, 27 FR 2814.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b)

**Effective date.** This designation shall be effective on March 16, 1973.

Signed at Washington, D.C., on March 12, 1973.

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

[FR Doc. 73-5125 Filed 3-15-73; 8:45 am]

## DEPARTMENT OF COMMERCE

## Bureau of East-West Trade

SEMICONDUCTOR MANUFACTURING AND  
TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

## Notice of Meeting

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, March 27 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.

(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.

(3) Election of chairman.

(4) Presentation of papers or comments by the public.

(5) Review of OEC official of current controls on semiconductor manufacturing and test equipment, including report on any decontrol actions effected since August 1972.

(6) Technical problems relating to export control coverage of semiconductor manufacturing and test equipment.

(7) Licensing procedures relating to semiconductor manufacturing and test equipment.

(8) Foreign availability of types of semiconductor manufacturing and test equipment currently under control, including extent of U.S. participation and use of U.S. technology.

(9) Executive session:

(a) Background of U.S. and COCOM control programs and strategic criteria.

(b) Technical problems:

(1) Use of semiconductor manufacturing and test equipment in production of semiconductors for military and civilian use.

(2) Significant parameters of such equipment from the strategic standpoint, including adequacy of present control definition or coverage.

(c) Foreign availability, including state of the art in U.S.S.R., Eastern Europe, and People's Republic of China.

(d) Licensing control over technology related to semiconductor manufacturing and test equipment.

(10) Adjournment.

This will be the first meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross section of the semiconductor manufacturing and test equipment industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1-8, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration on March 5, 1973, determined, pursuant to section 10(d) of Public Law 92-463 that this agenda item should be exempt from the provision of section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

Minutes of those portions of the meeting which are open to the public will be

available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 13, 1973.

JOHN T. CONNOR, Jr.,  
Acting Director, Bureau of East-West Trade, Department of Commerce.

[FR Doc. 73-5190 Filed 3-15-73; 8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY  
COMMITTEE

## Notice of Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet Monday, March 26 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.

(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.

(3) Election of chairman.

(4) Presentation of papers or comments by the public.

(5) Review of current controls on semiconductors, including report on any decontrol actions effected since August 29, 1972.

(6) Technical problems relating to export control coverage of semiconductors and related technology.

(7) Licensing procedures relating to semiconductors and technology.

(8) Foreign availability of semiconductors currently under licensing control, including extent of U.S. participation and use of U.S. technology.

(9) Executive session.

(a) Background of U.S. and COCOM control program and strategic criteria.

(b) Technical problems:

(1) Military and military support uses of semiconductors.

(2) Significant parameters from the strategic standpoint, including adequacy of present control definition or coverage.

(c) Foreign availability, including state of the art in the USSR, Eastern Europe, and People's Republic of China.

(d) Licensing control over technology related to semiconductors.

(10) Adjournment.

This will be the first meeting of the Semiconductor Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the semiconductor industry in the United States and officials representing various agencies of the U.S. Government. The



industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1-8, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration, on March 5, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 13, 1973.

JOHN T. CONNOR, JR.,  
Acting Director, Bureau of  
East-West Trade, Department  
of Commerce.

[FR Doc.73-5191 Filed 3-15-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health  
Administration

### MEDICAL LABORATORY SERVICES ADVISORY COMMITTEE

#### Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble during the month of March, 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
Medical Laboratory Services Advisory Committee.	Mar. 29-30, 9 a.m., Center for Disease Control, Conference Room B-8B-7, Atlanta, Ga.	Open, Contact Dr. R. Q. Robinson, Center for Disease Control, Atlanta, Ga., Code 404-633-3311, extension 3262.

Purpose: To review the operation of the Licensure and Proficiency Testing Program administered by the Center for Disease Control with major emphasis being placed upon

program changes which will permit more effective application of laboratory standards.

Agenda: Agenda items will provide for a review of the objectives of the Licensure and Proficiency Testing Program and consideration of those proposed changes in the Clinical Laboratories Improvement Act, the regulations published thereunder, and in the procedures used to administer the Act, which will lead to more effective administration of the program.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact persons listed above.

Dated: March 12, 1973.

ANDREW J. CARDINAL,  
Acting Associate Administrator  
for Management, Health  
Services and Mental Health  
Administration.

[FR Doc.73-5169 Filed 3-15-73; 8:45 am]

## Office of the Secretary OFFICE OF CONSUMER AFFAIRS

### Organization and Functions; Amendment

Part 1 of the Statement of Organization, Functions, and Delegations of Authority is amended to add a new Chapter 1A20, Office of Consumer Affairs. The Office includes the Office of Consumer Affairs transferred from the Executive Office of the President to Department of Health, Education, and Welfare by Executive Order 11702, approved January 25, 1973, and the Office for Consumer Services transferred from the Assistant Secretary (Community and Field Services) by this notice. The new chapter reads as follows:

SEC. 1A20.10 *Mission.* The Special Assistant to the President for Consumer Affairs advises the President and the President's Counselor for Human Resources on matters affecting the interests of consumers. She also acts as Director of the Office of Consumer Affairs and serves as the principal staff adviser to the Secretary of the Department of Health, Education, and Welfare on consumer-related policy and programs.

SEC. 1A20.20 *Organization.* The Director of the Office of Consumer Affairs reports directly to the Secretary and directs and coordinates the activities of the Office of Consumer Affairs.

SEC. 1A20.30 *Functions.* A. With respect to consumer interest in Federal policies and programs both throughout the Federal Government and within the Department, encourages and assists in development and implementation of consumer programs; coordinates and reviews policies and programs; seeks resolution of conflicts; advises and makes recommendations to Federal agencies with respect to policy matters, the effectiveness of their programs and operations, and the elimination of duplications;

B. Assures that the interests of consumers are presented and considered in

a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest;

C. Conducts investigations, conferences, and surveys concerning the needs, interests, and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies;

D. Submits recommendations to the President and the Counselor for Human Resources on how Federal programs and activities affecting consumers can be improved;

E. Takes action with respect to consumer complaints;

F. Encourages and coordinates the development of information of interest to consumers by Federal agencies and the publication and distribution of materials which will inform consumers of matters of interest to them in language which is readily understandable by the layman;

G. Encourages and coordinates research conducted by Federal agencies leading to improved consumer products, services, and consumer information;

H. Encourages, initiates, coordinates, evaluates, and participates in consumer education programs and consumer counseling programs;

I. Encourages, cooperates with, and assists State and local governments in the promotion and protection of consumer interests;

J. Cooperates with and encourages private enterprise in the promotion and protection of consumer interest;

K. Reports periodically to the President and the Counselor for Human Resources on significant developments affecting the interests of consumers together with such recommendations as appropriate; and

L. Acts as consumers' advocate within the Department, maintaining a continuing dialog between consumers and HEW's operating agencies, coordinating the development and distribution of consumer information materials, providing technical assistance to agencies, organizations, and individuals outside the Department; and conducting field demonstration programs.

Dated: March 10, 1973.

CASPER W. WEINBERGER,  
Secretary.

[FR Doc.73-5104 Filed 3-15-73; 8:45 am]

## ATOMIC ENERGY COMMISSION REGULATORY GUIDES

### Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents



and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.35, "Inservice Surveillance of UngROUTED Tendons in Prestressed Concrete Containment Structures," is being issued in Division 1, "Power Reactor Guides." This guide describes an acceptable basis for developing an appropriate surveillance program for ungrouted tendons in prestressed concrete containment structures for light-water-cooled reactors.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 Regulatory Guides currently being developed include the following:

- Operating Status Indication for Nuclear Power Plant Safety Systems.
- Availability of Electric Power Sources.
- Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
- Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.
- Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
- Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
- Physical Independence of Safety Related Electric Systems.
- Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
- Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
- Assumptions for Evaluating a Control Rod Ejection Accident for Boiling Water Reactors.
- Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.
- Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.
- Housekeeping Requirements for Nuclear Power Plants.
- Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
- Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
- Design Basis Floods for Nuclear Power Plants.
- Design Phase Quality Assurance Requirements for Nuclear Power Plants.
- Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.
- Fire Protection Criteria for Nuclear Power Plants.
- Protective Coatings for Nuclear Reactor Containment Facilities.
- Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.
- Application of the Single-Failure Criterion to Nuclear Power Generating Station Protective Systems.

- Protection Against Pipe Whip Inside Containment.
- Additional Material Requirements for Bolt-Ing.
- Inservice Surveillance of Grouted Prestressing Tendons.
- Stainless Steel Overlay Welding.
- Design Loading Combinations for Fluid System Components.
- Design Loading Combinations for Primary Metal Containment Systems.
- Reactor Coolant Pressure Boundary Leak Detection System.
- Requirements for Thermal Insulation Used with Stainless Steel.
- Concrete Placement in Category I Structures.
- Control of Sensitized Stainless Steel.
- Design Spectra for Seismic Design of Nuclear Power Stations.
- Seismic Input Motion to Uncoupled Structural Model.
- Control of Preheat Temperature for Low Alloy Steel Welding.
- Rules for Inservice Inspection of Class 2 and Class 3 Nuclear Power Plant Components.
- Primary Reactor Containment (Concrete) Design and Analysis.
- Preservice Testing of In-Situ Valve Systems.
- Installation of Over-Pressure Devices.
- Nondestructive Examination of Tubular Products.
- Category I Structural Foundations.
- Maintenance of Water Purity in BWRs.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 9th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory Standards.

[FR Doc. 73-5074 Filed 3-15-73; 8:45 am]

[Docket No. 50-334]

#### DUQUESNE LIGHT CO. ET AL.

#### Notice of Availability of AEC Draft Environmental Statement for the Beaver Valley Power Station, Unit 1

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing related to the proposed Beaver Valley Power Station, Unit 1, currently under construction by Duquesne Light Co. et al. in Beaver County, Pa., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. The draft statement is also being made available at the Office of Radiological Health, Department of Environmental Resources, Post Office Box 2063, Harrisburg, PA 17105. Copies of the Commission's draft environmental statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The applicant's environmental report, as supplemented, submitted by Duquesne Light Co. et al. is also available for public inspection at the above-designated locations. Notice of availability of the appli-

cant's environmental report was published in the FEDERAL REGISTER on January 6, 1972 (37 FR 151).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before April 30, 1973, submit comments on the applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of March 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,  
Chief, Environmental Projects  
Branch No. 4, Directorate of  
Licensing.

[FR Doc. 73-5217 Filed 3-15-73; 8:45 am]

[Docket No. 50-301, Amdt. 3]

#### WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

#### Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-27 to Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co. (the licensees) which authorizes the licensees to operate the Point Beach Nuclear Plant Unit No. 2 (the facility), a pressurized water reactor, at power levels not to exceed 1,518 megawatts thermal. License No. DPR-27 prior to issuance of Amendment No. 3 only authorized operation at power levels not to exceed 300 megawatts thermal. The facility is located in the town of Two Creeks, Manitowoc County, Wis.

The Commission's Directorate of Regulation has made the findings set forth in the license, and has concluded for the purposes of operation at 1,518 megawatts thermal that the application for construction permit and facility operating license, as amended, complies with the Atomic Energy Act, as amended, and the Commission's regulations in 10 CFR Ch. 1, that the issuance of DPR-27, Amendment No. 3, will not be inimical to the common defense and security or to the health and safety of the public, and that in accordance with the requirements of Appendix D to 10 CFR Part 50, the operating license should be amended as indi-



cated hereinabove. Issuance of Amendment No. 3 to DPR-27 is also authorized by and is pursuant to an initial decision and supplemental initial decision of the Atomic Safety and Licensing Board dated December 8, 1972, and February 28, 1973, respectively, and a memorandum and order by the Atomic Safety and Licensing Appeal Board dated March 7, 1973.

The license amendment is effective as of the date of issuance and shall expire July 25, 2008.

For further details, see (1) initial decision and supplemental decision by the Atomic Safety and Licensing Board dated December 8, 1972, and February 28, 1973, respectively, and memorandum and order by the Atomic Safety and Licensing Appeal Board dated March 7, 1973; (2) Amendment No. 3 to Facility Operating License DPR-27, with technical specifications (as amended); (3) the Safety Evaluation for the Point Beach Nuclear Plant Units 1 and 2, dated July 15, 1970, and Addenda 1, 2, 3, and 4 thereto; (4) the report of the Advisory Committee on Reactor Safeguards dated April 16, 1970; (5) the final environmental statement dated May 16, 1972, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW, Washington, DC 20545, and in the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220. Copies of items (2), (3), and (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of March, 1973.

For the Atomic Energy Commission.

KARL KNIEL,  
Chief, Pressurized Water Reactors,  
Branch No. 2, Directorate of Licensing.

[FR Doc.73-5073 Filed 3-15-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 22908; Order 73-3-30]

### EASTERN AIR LINES, INC.

Order Regarding Engagement in Capacity Reduction Discussions in New York/Newark-San Juan Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1973.

Eastern Air Lines has requested authority to engage in renewed capacity reduction discussions with American Airlines and Pan American World Airways, looking toward a continuation of the multilateral capacity agreement in effect in the New York/Newark-San Juan market. Eastern's request has been supported by American, Pan American, and the Commonwealth of Puerto Rico. It is opposed by Delta Air Lines, Northwest Airlines, the National Air Carrier

Association and the Department of Justice.<sup>1</sup>

After consideration of Eastern's application and the comments received thereon, we have decided to allow the requested discussions. We will require, as in the past, that all discussions regarding an eventual agreement be conducted openly and that a full transcript be maintained.<sup>2</sup>

Since we will not permit the implementation of an agreement of this type prior to our approval, the position of the opposition parties appears to be adequately safeguarded at this time. Any agreement which may result shall be fileable with the Board within 15 days of consummation, after which time we will consider the merits of any objections lodged in this docket, whether technically addressed to the discussions or the agreement. We would note, however, that this market is still an exceptionally low yield one, thus requiring well above average load factors for economically sound operations; that even the relatively short duration of the present agreement has demonstrated its efficacy in dampening excessive capacity; that excessive capacity may require higher fares; and that the continued maintenance of low fares in this market constitutes a serious transportation need.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., for approval of discussions regarding capacity reductions in the New York/Newark-San Juan market be and it hereby is approved, subject to the following conditions:

(a) Discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the discussing carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in the appendix at least 7 calendar days prior to such meetings;

(b) Participation in the discussions shall be limited to carriers certificated to provide single-plane scheduled service in the New York/Newark-San Juan market;

(c) Representatives of the Civil Aeronautics Board and may other local, State, or Federal Government agency; civic trade, or consumer association or group; any air carrier expressing an interest; and the press shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of this transcript shall be filed with the Board within 10 days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall

<sup>1</sup> Eastern has also filed a reply to Delta's answer, accompanied by a motion to file an unauthorized and untimely document.

<sup>2</sup> The conditions imposed herein are similar to those contained in Order 72-9-13, dated Sept. 5, 1972.

be filed with the Board for approval under section 412 of the Act within 15 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in the appendix hereto within the same period; *Provided*, That no agreement shall be implemented without having been previously approved by the Board.

(f) Comments pertaining to any agreement filed pursuant to subparagraph (e) shall be filed within 20 days from the date of the filing of such agreement with the Board;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of filing of such document;

(h) The relief granted herein shall expire within 60 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation.

2. Copies of this order shall be served on the persons named in the attached appendix below;

3. The motion of Eastern Air Lines, Inc., to file an otherwise unauthorized document is granted; and

4. Except to the extent granted or deferred herein the application and all other requests in this proceeding be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,<sup>2</sup>  
Secretary.

#### APPENDIX

##### SERVICE LIST PERTAINING TO ORDERING PARAGRAPH 2

All U.S. Certificated Scheduled and Supplemental Carriers.  
The Air Transport Association of America.  
The National Air Carrier Association.  
The Departments of Defense, Justice, and Transportation and the U.S. Postal Service.  
The City of New York, N.Y.  
The City of Newark, N.J.  
The City of San Juan, P.R.  
The Commonwealth of Puerto Rico.  
Port of New York Authority.  
San Juan Ports Authority.  
The Airline Pilots Association, International.  
The Aviation Consumer Action Project.  
The City of New York Department of Marine and Aviation.

[FR Doc.73-5119 Filed 3-15-73;8:45 am]

## CITIZEN'S ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

### NOTICE OF MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on

<sup>1</sup> Minetti, Member, dissenting and filing dissenting statement as part of the original document.



March 23, 1973, at 9:30 a.m. in Room 9104 of the New Executive Office Building, 17th and H Streets NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, transportation, recreation, and other current environmental issues.

A limited number of seats—approximately 15—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting should be submitted in writing or by telephone no later than Tuesday, March 20, 1973, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, DC 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,  
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc. 73-5117 Filed 3-15-73; 8:45 am]

## DELAWARE RIVER BASIN COMMISSION

### COMPREHENSIVE PLAN RELATING TO THE TOCKS ISLAND AND DELAWARE WATER GAP NATIONAL RECREATION AREA

#### Notice of Public Hearing

Notice is hereby given that on Thursday, March 29, 1973, the Delaware River Basin Commission will hold a public hearing on two proposed amendments to its Comprehensive Plan relating to the Tocks Island and Delaware Water Gap National Recreation Area project. Texts of the proposed amendments are attached. The hearing will be held in the New Jersey Cultural Center Auditorium (adjacent to the State House) on West State Street in Trenton beginning at 2 p.m.

On September 13, 1972, the Governor of New Jersey proposed certain modifications to the Tocks Island and Delaware Water Gap National Recreation Area project designed to minimize the environmental impact on communities and public facilities in the surrounding area. The subject amendments respond to two of these proposals, Hearing item No. 1 would modify the regional liquid waste control system designed for Tocks Island area, as adopted by the Commission on March 29, 1972. Hearing item No. 2 would conform the Commission's Comprehensive Plan to the limitations established by existing congressional authorizations for recreation development at the project.

Persons wishing to testify are requested to register with the Secretary to the Commission not later than 5 p.m. on March 27.

W. BRINTON WHITALL,  
Secretary.

MARCH 6, 1973.

#### HEARING ITEM NO. 1

A Resolution to amend the Comprehensive Plan in relation to the protection of water quality in the Tocks Island area.

Whereas, the Commission, on March 29, 1972, incorporated in its Comprehensive Plan a regional liquid waste collection and treatment system for the Tocks Island area based upon plan Alternative V of the "Tocks Island Region Environmental Study" (TIRES) prepared for the Commission by the consulting firm of Roy F. Weston, Inc.; and

Whereas, the State of New Jersey, on September 13, 1972, proposed certain modifications to the Comprehensive Plan so as to provide for a system of local collection and treatment facilities in Warren and Sussex Counties as generally described in the TIRES report, Alternative I; and

Whereas, joint technical studies by Commission staff, in consultation with State and Federal water pollution control agencies, have developed a modified water quality management plan for the Tocks Island area that will afford adequate protection of the reservoir and the free-flowing streams within the Delaware Water Gap National Recreation Area; now therefore

Be it resolved by the Delaware River Basin Commission:

The Comprehensive Plan is hereby amended by deleting the plans and policies incorporated therein on March 29, 1972, by Resolution No. 72-2, and substituting therefor a new part to read as follows:

#### REGIONAL WATER QUALITY MANAGEMENT SYSTEM TOCKS ISLAND AND DELAWARE WATER GAP NATIONAL RECREATION AREA

1. An areawide waste treatment management plan, based upon the policy of protection of the Tocks Island Reservoir and free-flowing streams within and adjacent to the Delaware Water Gap National Recreation Area, is required and approved.

2. The area to be protected is that portion of the Delaware River Basin in Orange, Pike, Monroe, Northampton, Sussex and Warren Counties above the mouth of the Paulins Kill, including the watershed of Paulins Kill, as described in Appendix K of the TIRES report and shown on a map entitled "Tocks Island Region—Water Quality Management System," dated February 1973, which map is annexed hereto and made a part hereof.

3. The areawide waste treatment management plan is based upon (a) waste flows generated by development of recreation use areas inside the Delaware Water Gap National Recreation Area having a combined design capacity of 42,000 persons per day and an estimated annual visitation of 4 million visitor-days, and (b) waste flows generated outside the Delaware Water Gap National Recreation Area as projected in Appendix K of the TIRES report for the 1980-2000 period.

4. Except as otherwise provided in this part, the level of waste treatment required by the areawide waste treatment management plan will be as follows:

A. All existing or proposed discharges of wastewaters to surface waters shall be renovated prior to such discharge by advanced waste treatment which shall include not less than 95 percent removal of BOD and soluble phosphorus, not later than July 1, 1983.

B. Land disposal of treated wastewater, to the extent authorized by the areawide waste treatment management plan, will follow secondary treatment including disinfection before the wastewater is applied to the land.

C. The use and development of groundwaters, and the disposal of treated wastewaters into the ground, will be in accordance with Commission policy contained in Resolutions 64-8 and 72-14 dated September 23, 1964, and December 12, 1972, respectively.

5. The areawide waste treatment management plan, as delineated on the map referenced in paragraph 2 of this part, is as follows:

#### NEW JERSEY

A. Construction prior to closure of the Tocks Island dam of public waste treatment facilities in Montague and Sandyston Townships to serve population centers tributary to the reservoir.

B. Construction of public waste treatment facilities at the Sandyston and Vancampens recreation use areas inside the Delaware Water Gap National Recreation Area not later than the opening of each respective recreation use area.

C. Construction of on-site public sewerage facilities at authorized upland recreation use areas within the Delaware Water Gap National Recreation Area not later than the development of each area. Upland recreation use areas will be served by connection to subregional plants where feasible or, alternatively, by on-site facilities.

D. Staged development of waste collection and treatment facilities in the Paulins Kill watershed to meet specific needs and schedules as they develop. Subregional waste treatment plants will be located in the vicinity of Newton, Middleville, Blairstown and Columbia. The level of waste treatment within this subregion will meet not less than current standards until July 1, 1983; thereafter the level of waste treatment will be not less than the general requirements specified in paragraph 4 of this part.

#### PENNSYLVANIA

A. Construction prior to closure of the Tocks Island Dam of (a) interceptor sewers serving the region between Milford and Bushkill generally along the alignment of relocated Route 209, (b) public waste treatment facilities at Milford or, alternatively, Bushkill, and (c) public waste treatment facilities at Matamoras. These treatment facilities and the interceptor sewers will provide service on a sub-regional basis to adjacent population centers tributary to the reservoir.

B. Construction of public waste treatment facilities at the Poxono and Dingmans Creek recreation use areas inside the Delaware Water Gap National Recreation Area not later than the opening of the respective recreation use area.

C. Construction of on-site waste sewerage facilities at authorized upland recreation use areas within the Delaware Water Gap National Recreation Area not later than development of each area. Upland recreation use areas will be served by connection to sub-regional systems where feasible or, alternatively, by on-site facilities.

D. Staged development of waste collection and treatment facilities in the Brodhead Creek watershed on a regional basis. A waste treatment plant will be located near the confluence of Brodhead Creek and the Delaware River and will be available for service on a



regional basis, both within and without the Brodhead Creek watershed, including the Delaware Water Gap National Recreation Area. The level of waste treatment within this subregion will be not less than current standards until July 1, 1983; thereafter the level of waste treatment will be not less than the general requirements specified in paragraph 4 of this part.

#### NEW YORK

A. Upgrading of the Port Jervis sewage treatment plant not later than closure of the Tocks Island Dam to the level provided for in the general requirements set forth in paragraph 4 of this part. At that time sewerage service by the Port Jervis system will be provided on an interim basis to immediately adjacent areas within the limits of existing facility's capacity, in accordance with section X, Article 4, of the Comprehensive Plan relating to regional requirements.

B. Prior to 1995, in areas of Orange County outside Port Jervis, phased development as needed of small-scale waste treatment plants or, alternatively, on-site disposal units. These

facilities will be designed so as not to preclude possible future incorporation within subregional collection and treatment systems.

C. After about 1995, further phased extension of the Port Jervis waste treatment system into a subregional facility to serve adjacent areas in Orange County or, alternatively, construction of two new subregional waste treatment systems with a capacity of about 0.5 million gallons a day each in the Neversink subbasin and on the main Delaware River immediately upstream from Port Jervis.

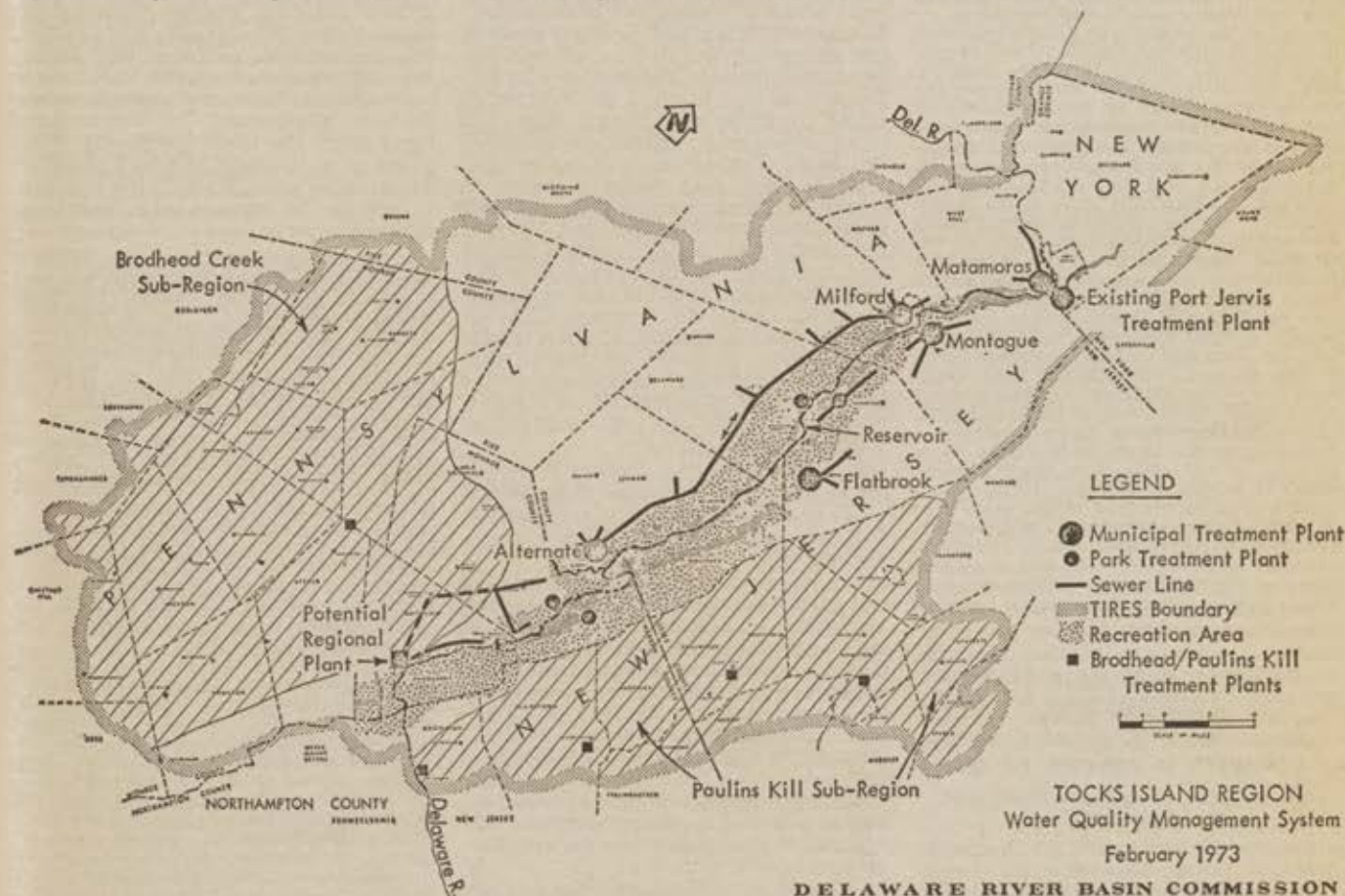
6. The areawide waste treatment management plan outlined in paragraphs 4 and 5 of this part is subject to further change by the Commission in order to maximize the advantages of new technology, or adjust to changed rates and patterns of growth in the area, or conform to new water quality standards; provided, however, that any modification will meet the Commission's overall policy of providing protection to the Tocks Island Reservoir and free-flowing streams within and adjacent to the Delaware Water Gap National Recreation Area.

7. The siting of waste collection and treat-

ment facilities, and the selection among alternative techniques, will be based upon engineering studies and environmental impact reviews required by statute and the Commission's regulations. Such determinations will be at the discretion of the Commission and will be based upon the policy of maximum feasible preservation of the natural physical environment and the application of sound watershed management standards.

8. Management of nonpoint sources of liquid waste in the area, and streams tributary thereto, will be in accordance with EPA policy dated January 14, 1972, and with applicable regulations, including without limitation thereto, erosion and sediment control, fertilizer application and land disposal of animal wastes.

9. Use of land application techniques to the extent provided for by paragraphs 4 and 5 of this part will not conflict with soil suitability data and criteria contained in a report entitled "Potential Use of Spray Irrigation in the Tocks Island Region" dated December 2, 1972, prepared for the Delaware River Basin Commission by William E. Sopper and Louis T. Kardos.



#### HEARING ITEM NO. 2

A Resolution amending the Comprehensive Plan with regard to recreation development at the proposed Tocks Island Reservoir and Delaware Water Gap National Recreation Area.

Whereas, the Tocks Island Reservoir and the Delaware Water Gap National Recreation Area were authorized by Congress in 1962 (Public Law 85-624), and 1965 (Public Law 89-158), respectively, and have been in-

cluded as part of the Commission's Comprehensive Plan; and

Whereas, the Delaware River Basin Compact (75 Stat. 688) provides for the use of the Commission's Comprehensive Plan as a means of coordinating state and federal interests in projects having a substantial effect on the basin's water resources and this authority is recognized by Public Law 89-158; and

Whereas, the Commission desires that de-

velopment of recreation at the Tocks Island and Delaware Water Gap National Recreation Area project shall proceed in closest consonance with Federal and State policies relating to the protection of the natural environment; and

Whereas, the National Park Service and the U.S. Army Corps of Engineers, in consultation with the Commission, have prepared a program designed to implement the master recreation plan for the area to the full extent

Figure 1



of existing congressional authorizations, and to protect the natural environment of the area from adverse project impacts; now therefore

*Be it resolved by the Delaware River Basin Commission:*

Section VI, Part 5, Paragraph (4), of the Comprehensive Plan, relating to recreation development at the Tocks Island Reservoir and Delaware Water Gap National Recreation Area is amended and supplemented to read as follows:

(4) *Recreation.* The Tocks Island Reservoir area and Delaware Water Gap National Recreation Area together will provide recreation capacity to accommodate 4 million visitor-days annually under existing authorizations (1972). Studies by the National Park Service demonstrate that recreation benefits at the project will be of widespread regional and national significance. Accordingly, project lands are being developed under Public Law 89-158 as the Delaware Water Gap National Recreation Area. The lands being acquired for recreation will retain the shore area in public ownership and will provide space for development of significant recreation areas. The outstanding scenic and recreation resources of the project will thus be preserved in public trust. Various facilities will be provided for 1-day outings as well as camping. Operation of the project will consider the fishing requirements of the impoundments and the flow requirements for the stream fisheries downstream from the dam. Facilities will be provided for moving anadromous fish above the dam and consideration will be given to augmenting flows in the month of October for the purpose of moving young fish populations through the zone of low dissolved oxygen in the Delaware estuary. Hunting will be permitted during appropriate season and in accordance with reasonable regulation to assure public safety. A specific program for development of recreation use areas and facilities is delineated on a map entitled "Tocks Island Lake—Delaware Water Gap National Recreation Area" dated March 5, 1973, and on file in the offices of the Delaware River Basin Commission. This program will be scaled to a total design capacity of not more than 42,000 persons, which is calculated to result in the maximum annual visitor load of not more than 4 million person-days. Any additional development of recreation use areas and facilities shall not proceed without further amendment of the Comprehensive Plan and such action by the Congress as may be required.

[FR Doc. 73-5024 Filed 3-15-73; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15752, etc.; FCC 73-277]

CHARLES W. JOBBINS, ET AL.

### Construction Permits; Modifying Oral Arguments

In regard applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; C. D. Funk and George A. Baron, a partnership doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP-16164; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mar-

dian, James B. Boyle, Robert M. Vailancourt and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16168; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits. (See 38 FR 4802.)

1. Before the Commission for consideration is a request filed on March 1, 1973 by Goodson-Todman Broadcasting, Inc., that the Commission's order scheduling oral argument in this case (FCC 73-164, released February 15, 1973) be modified to permit each of the parties to reserve a portion of its allotted time for rebuttal. Goodson-Todman asserts that the parties to this proceeding represent divergent views as to several points upon which argument will be presented; that parties scheduled to argue early in the proceeding will be at a distinct disadvantage because the parties who follow will be in a position to rebut points raised by those who precede them but those scheduled for earlier presentations will have no opportunity to reply.

2. We find that there is merit to Goodson-Todman's contention and that its request should be granted. Each of the parties who is authorized to present oral argument in this proceeding will therefore be permitted to reserve a maximum of fifteen (15) minutes of its allotted time for rebuttal. In view of this modification, however, we believe that all of the principal arguments of the parties should be presented on Monday, March 19, 1973, and all rebuttals on Tuesday, March 20, 1973.

3. Accordingly, it is ordered, That our order, FCC 73-164, released February 15, 1973, which schedules oral argument in this proceeding is modified in the following respects:

(a) The principal argument of each of the parties authorized to present an oral argument in this proceeding shall be made on Monday, March 19, 1973; and that the presentation of arguments shall commence at 9 a.m., in the order specified in our February 15, 1973, order, except that Donnelly C. Reeves (KPOP) shall argue after Pasadena Broadcasting Co.;

(b) Each of the said parties is authorized to reserve a maximum of fifteen (15) minutes of its allotted time for rebuttal; and

(c) Rebuttal arguments shall be made on Tuesday, March 20, 1973, commencing at 9 a.m., in the same order as that specified for the presentation of the parties' principal arguments.

Adopted: March 7, 1973.

Released: March 9, 1973.

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

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 73-5098 Filed 3-15-73; 8:45 am]

<sup>1</sup> Commissioner Reid absent.

[Dockets Nos. 19519, 19581; FCC 73R-100]

## WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING, INC.

### Memorandum Opinion and Order Enlarging Issues

In regard applications of Western Communications, Inc. (KORK-TV) Las Vegas, Nev. Docket No. 19519, File No. BRCT-327; for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., for construction permit for new television broadcast station. Docket No. 19581, File No. BPCT-4465;

1. Western Communications, Inc.'s (Western) application for renewal of license for Television Station KORK-TV, Las Vegas, Nev. was designated for hearing by Commission Order FCC 72-503 (38 FR 1530), released June 12, 1972, 37 FR 12346, to determine whether it had engaged in certain fraudulent billing practices. There was also pending at that time a mutually exclusive application for a new television station, filed by Las Vegas Valley Broadcasting Co. (Valley). The Commission, by Order FCC 72-767, released September 1, 1972, 37 FR 19670, redesignated Western's application and Valley's application for consolidated hearing on the issues previously designated as to Western and on a standard comparative issue. Western has now filed a motion to enlarge the issues as follows:<sup>1</sup>

1. To determine whether a loan commitment from the Nevada State Bank has been withdrawn and, if so, whether Las Vegas Valley Broadcasting Co. (a) is financially qualified, (b) has misrepresented facts to the Commission concerning the existence of the loan commitment, and (c) failed to comply with § 1.65 of the Commission's rules by not reporting the withdrawal of the loan commitment;

2. To determine whether Las Vegas Valley Broadcasting Co., will be able to obtain, or has reasonable expectations of being able to obtain, an NBC network affiliation as proposed in its application, and, if not, whether Las Vegas Valley Broadcasting Co. (a) has misrepresented facts to the Commission concerning the existence of an affiliation agreement with the NBC Television Network, (b) can effectuate its program proposals, and (c) is financially qualified;

3. To determine the facts and circumstances surrounding the criminal convictions of Sam Cohen, a Director and subscriber to at least 10 percent of the stock of Las Vegas Valley Broadcasting Co., for violation of the Internal Revenue Code by filing a false wagering excise tax return (26 U.S.C. 7207) and for bookmaking, in violation of the California gambling laws, whether Las Vegas Valley Broadcasting Co., should have informed the Commission of such facts and circumstances, and whether Las Vegas Valley Broadcasting Co., is legally qualified to be a licensee;

4. To determine with respect to Las Vegas Valley Broadcasting Co.:

a. Whether, if the loan commitment it relies on from the Nevada State Bank has not been withdrawn, Las Vegas Valley Broad-

<sup>1</sup> The motion was filed on Oct. 6, 1972. Las Vegas Valley Broadcasting Co. filed its opposition Nov. 27. The Broadcast Bureau filed comments on Nov. 24, 1972 and Western filed its reply Dec. 22, 1972. On Feb. 28, 1973, Las Vegas filed a motion for leave to file a response, which will be denied, *infra*, and a response to reply which will be dismissed.



casting Co., is able to meet the terms and conditions of the proposed loan;

b. Whether stock subscribers Harry E. Fichtlin, Aaron S. Gold, Addellar D. Guy, Eugene L. Kirshbaum, James B. and Marie E. McMillan, James E. Rogers, Elizabeth W. Scott, and Clark Henry Tester, are financially qualified to meet their respective stock subscription commitments;

c. To what extent Las Vegas Valley Broadcasting Co., proposes to rely on credit from RCA;

d. Whether the estimated revenues are reasonable in light of the absence of an NBC affiliation agreement and any reasonable expectation of such an affiliation;

e. Whether the estimated costs of construction and operation are reasonable, in view of the omission of substantial items of expense and the absence of an NBC affiliation and any reasonable expectation of such an affiliation.

f. Whether, in view of the evidence adduced pursuant to this issue and pursuant to issues 1, 2, 5, and 6, Las Vegas Valley Broadcasting Co. is financially qualified to construct, own, and operate the proposed television broadcast station;

5. To determine whether Las Vegas Valley Broadcasting Co. has proposed adequate studio and office facilities, and, if not, whether it can effectuate its proposal;

6. To determine with respect to the transmitter site proposed by Las Vegas Valley Broadcasting Co.:

a. Whether the necessary rights of access to the site can be obtained and, if so, on what terms and conditions;

b. Whether the site is suitable for use as proposed;

7. To determine whether the plans, if any, which Las Vegas Valley Broadcasting Co. has made to comply with the Commission's equal employment opportunity requirements are in fact adequate to comply with those requirements;

or, if the foregoing issue is not designated, To determine on a comparative basis the significant differences between the applicants with respect to the plans made by each applicant to comply with the Commission's equal employment opportunity requirements;

8. To determine whether Las Vegas Broadcasting Co. has failed to maintain its local public file in compliance with § 1.526 of the Commission's rules;

9. To determine whether Las Vegas Valley Broadcasting Co. has violated § 1.513(b) of the Commission's rules in connection with an amendment to its application that was filed October 26, 1971;

10. To determine whether Las Vegas Valley Broadcasting Co. has demonstrated such ineptness and/or failures to comply with §§ 1.514 and 1.65 of the Commission's rules as to warrant disqualification of Las Vegas Valley Broadcasting Co. to be a licensee of the Commission;

11. To determine whether in light of the evidence adduced under the preceding issues, Las Vegas Valley Broadcasting Co. is qualified to be a licensee of the Commission;

12. To determine in the event that it is concluded that Las Vegas Valley Broadcasting Co. is not disqualified to be a licensee of the Commission, what impact, if any, the evidence adduced under the preceding issues would have upon its comparative evaluation.

#### ISSUES WITH RESPECT TO VALLEY'S LOAN COMMITMENT

2. Valley proposes to rely to a substantial extent on a \$1 million loan from the Nevada State Bank. Western contends that this commitment has been

withdrawn and that Valley has been so advised by the Bank. In support of this contention, Western submits an affidavit from Mr. Fred W. Smith, executive vice president of Don Rey, Inc.<sup>2</sup> In that affidavit Mr. Smith states that on September 5, 1972, Mr. Harley Harmon, president of the Nevada State Bank of Las Vegas stated to him that the Nevada State Bank had withdrawn its \$1 million loan commitment to Las Vegas Valley Broadcasting Co. and that a letter advising Las Vegas Valley Broadcasting Co. of the withdrawal had been sent by the Bank. In a later telephone conversation, Smith continues, Harmon told Smith that he could not find the letter but that Las Vegas Valley Broadcasting Co. had been advised of the withdrawal verbally. Smith further states that he had requested Harmon to sign an affidavit concerning Nevada State Bank's withdrawal of its loan commitment to Las Vegas Valley Broadcasting but Harmon declined to sign such an affidavit until he had checked with his counsel; Mr. Harmon then left the city for an extended visit but instructed Smith to check with his counsel on the matter. Smith further asserts that he had made repeated requests of Mr. Harmon's counsel but he has not been provided with such an affidavit nor has Mr. Harmon or his counsel declined to provide one. Finally, Smith notes that a copy of his affidavit is being served on Harmon. Western contends that in view of this state of affairs, issues to determine whether or not the loan relied upon by Valley will be available to it and also issues to determine whether Valley has failed to report a substantial change of decisional significance as required by § 1.65 of the Commission's rules or whether it has deliberately misrepresented facts to the Commission must be added to this proceeding.

3. This showing by Western does not warrant the addition of the issues requested. Section 1.229 of the Commission's rules requires that allegations be supported by affidavits of persons with personal knowledge of the facts. Mr. Smith's affidavit is clearly hearsay. Moreover, Valley's opposition is supported by an affidavit of Mr. James E. Rogers, its president, who states that he is fully familiar with all aspects of the loan commitment from Nevada State Bank, that he personally arranged for the loan commitment, and that he has not been advised that the commitment has been withdrawn and has not had any contact with any officer of the bank concerning this matter. We cannot accept the Bureau's suggestion that even though the Smith affidavit does not comply with the requirements of the Commission's rules, Western has raised sufficient questions to warrant the inclusion of an issue to determine whether the loan will be available to Valley. Nor are we persuaded by Western's suggestion that Valley's failure to submit a current letter of com-

mitment from the bank justifies a presumption that the bank has withdrawn its commitment.

#### THE NETWORK AFFILIATION ISSUE

4. Western points out that Valley has reported to the Commission that it will operate as an NBC affiliate. Yet, petitioner asserts, Valley has not discussed the possibility of affiliation with NBC or any of its officers or directors.<sup>3</sup> Moreover, Western contends that NBC would not even consider a request for a network affiliation before the applicant has a construction permit from the Commission. Western argues that, since there are four operating VHF broadcasting stations in Las Vegas, Valley has no real assurance that it will have any network affiliation whatsoever. Petitioner contends that, since Valley's entire programming proposal and a very substantial part of its financing proposal is dependent upon the acquisition of an NBC affiliation, an issue should be specified to determine (a) whether Las Vegas has misrepresented facts to the Commission concerning the existence of an affiliation agreement with NBC Television, or (b) whether it can effectuate its program proposal without a network affiliation and (c) whether it is financially qualified. Both Valley and the Broadcast Bureau oppose the addition of such an issue. They contend that Valley does not purport to have a network affiliation agreement but that the representation in its application is merely a proposal. Furthermore, they contend that in the circumstances of this case, i.e. where Valley seeks the facilities of an existing station which is now an NBC affiliate, Valley can reasonably expect to obtain such an affiliation.

5. It is clear from the documents filed by Valley that it does not now have a firm network affiliation agreement. Moreover, in the circumstances of this case, there is no real assurance that Valley will in fact be able to obtain a network agreement. Since there are four VHF stations in operation in Las Vegas, it is entirely possible that NBC could choose to affiliate with one of the other operating stations. Moreover, it is equally possible that the other networks might well choose to affiliate with the other operating stations, thus leaving Valley to operate an independent station. Such a change in circumstances may well have a very substantial effect on Valley's ability to meet its financial obligation and its ability to effectuate its proposed programming. In these circumstances, the Board will add an issue to determine whether Valley can reasonably expect to obtain a network affiliation and to ascertain, should such a station not be affiliated with a network, the effect on Valley's financial qualifications and its ability to effectuate its proposed programming. We do not believe, however, that a misrepresentation issue regarding this

<sup>2</sup> Don Rey, Inc., is the parent company of Western Communications, Inc.

<sup>3</sup> This assertion is supported by an affidavit of Donald J. Mercer, vice president for station relations of NBC.



matter is warranted since Valley did not represent that it already had an affiliation agreement, and the good faith of its proposal to obtain such an agreement has not been challenged.

#### ISSUE CONCERNING THE CONVICTIONS OF SAM COHEN

6. Western alleges that in 1940, Sam Cohen, a principal of Valley, entered a plea of guilty to a charge of bookmaking, a violation of the California gambling laws, and was sentenced to 50 days in prison or a \$1,000 fine, and that Cohen in fact paid the fine. Moreover, Western alleges that on September 25, 1964, Cohen entered a plea of nolo contendere to an alleged violation of the Internal Revenue Code for filing a false gambling Federal excise tax return, and that Cohen in fact paid a \$1,000 fine for this offense. Neither of these criminal convictions were disclosed in Valley's application, petitioner points out. Western contends that Cohen should have reported this information pursuant to the requirements of FCC Form 301, section II, paragraph 10(d), which asks:

Has the applicant or any party to this application been found guilty by any court of (1) any felony, (2) any crime, not a felony, involving moral turpitude, (3) the violation of any State, territorial or local law relating to unlawful lotteries, restraints and monopolies and combinations, contracts or agreements in restraint of trade, or (4) using unfair methods of competition?

Western contends that the California bookmaking offense falls within the scope of the Commission's request for information concerning violations of the State, territorial, or local law relating to unlawful lotteries and that, while the Federal conviction for filing a false gambling tax return does not constitute a felony, it must fall within the definition of a crime involving moral turpitude; thus it should have been reported.

7. In opposition, Valley contends that the information with respect to Cohen was not reported because neither crime was a felony, neither involved moral turpitude, and neither was a violation of unlawful lottery laws. Valley points out that at the time of Cohen's conviction for bookmaking, the State of California had a separate and distinct section of its code dealing with lotteries and that bookmaking does not fall within the definition of a lottery in the State of California. With respect to the filing of a false excise tax return, Valley contends that it was not a crime involving moral turpitude, that the Internal Revenue Service brought the action as a misdemeanor because the false return was the result of a clerical error rather than any deliberate attempt on the part of Cohen to evade the payment of tax, and that the nolo contendere plea indicates that all the parties involved agree that the allegations involved were not such that a full trial was necessary. For these reasons, Cohen did not report the violations concerned. The Bureau in its comments suggests that since Western has supported its allegations with appropriate

documentation the issue should be added.

8. The requested issue will not be added by the Board. Valley has demonstrated that the 1940 California conviction is not a violation of the state's lottery laws. Moreover, the Board is satisfied by Valley's explanation of the circumstances surrounding Cohen's nolo contendere plea in the false gambling excise tax return case that Valley's failure to regard this conviction as a crime involving moral turpitude was not unreasonable and that an evidentiary inquiry into this matter would not be decisive as to Valley's qualifications.

#### THE GENERAL FINANCIAL QUALIFICATIONS ISSUE

##### THE ABILITY OF VALLEY TO COMPLY WITH TERMS OF THE BANK LETTER

9. Western contends that, as a condition precedent to the issuance of its loan, the principals of Valley must have paid in \$200,000 of unencumbered capital. Further, Western notes that the Valley application does not show what collateral would be available to meet this requirement. Petitioner points out that, as of the date of its petition, \$92,000 of the \$200,000 proposed to be paid by the principals had already been paid in; that of this amount \$45,000 has already been expended in organizational costs; and that Valley estimates that its legal costs will amount to \$175,000. Thus, Western contends, the paid in capital cannot be used to meet the \$200,000 collateral requirement. Moreover, Western contends that the equipment which Valley proposes to purchase for its station cannot serve as collateral because it is to be purchased on credit and will be encumbered to assure the payment of the balance due on the purchase price. In these circumstances, Western argues that even if the loan commitment has not been withdrawn, as it contends, Valley will not be able to produce the necessary \$200,000 in unencumbered capital. Western also contends that, even if Valley is able to meet the collateral requirements, the loan may not be available because the commitment letter refers to a corresponding bank that would participate in the loan without identifying that bank or advancing any commitment from it to participate in the proposed loan.

10. In opposition, Valley argues that the Commission found it financially qualified and that Western has advanced no evidence that it is not so qualified or that the bank loan will not be available to it. Particularly, Valley argues that Western's concept of unencumbered collateral is not warranted by the terms of the commitment letter which does not specify the nature of the collateral which will be required at the time the loan is taken down. Nor is the absence of a specific commitment on the part of a particular corresponding bank necessary for the validity of the loan commitment, Valley urges. The Bureau notes that the bank loan is an essential part of Valley's proposed financing plan and agrees that Valley may not have the

necessary \$200,000 in unencumbered capital as collateral for the loan.

11. An issue inquiring into the availability of the bank loan will be added. It is not clear precisely what the bank will require by way of collateral nor is it apparent what unencumbered collateral Valley will have available. Since the loan is essential to Valley's financial qualifications, an issue to clarify the matter is appropriate.

#### ABILITY OF WESTERN'S STOCK SUBSCRIBERS TO MEET THEIR COMMITMENTS

12. Western also contends that the financial information submitted with respect to eight of Valley's stock subscribers indicates that they are not financially qualified to meet their stock subscriptions. Insofar as Western's allegations are directed to the qualifications of Aaron S. Gold, the matter has become moot since Valley amended its application prior to designation for hearing to delete Mr. Gold as a stock subscriber and the Commission denied Western's motion to strike prejudicial portions of an amendment by memorandum opinion and order, FCC 72-1155, released December 26, 1972, FCC 2d \_\_\_\_\_, RR 2d \_\_\_\_\_. Western contends that the balance sheets of Harry E. Fightlin, Adelaire D. Guy, Elizabeth W. Scott, Eugene L. Kirshbaum, and James E. Rogers, indicate that they do not have sufficient liquid assets in excess of current liabilities to meet their stock subscriptions. Petitioner argues that stocks and bonds listed by these stock subscribers may not be regarded as liquid assets since they have not identified those securities, the markets upon which they are traded or their current market value. Moreover, Western argues, those stock subscribers who purport to rely upon bank loans to meet their subscription obligation have not submitted sufficient information concerning the terms of the proposed loans to enable a finding that they are qualified to meet their subscriptions.

13. Each of the above-named stock subscribers now purports to rely upon a commitment for a personal loan to meet their respective subscription obligations; and have submitted personal balance sheets which afford the Board an opportunity to determine that the bank commitments are not unreasonable. See Calajay Enterprises, Inc., 32 FCC 2d 690. Stock subscribers, as distinguished from applicants, are not required to show the terms of repayment or other details of the loan agreement. Thus, as to stock subscribers Fightlin, Guy, Scott, Kirshbaum, and Rogers, the Board finds no need to inquire further concerning their ability to meet their stock subscriptions.

14. As to stock subscribers James B. and Marie E. McMillan, Western contends that just 2 weeks after the date of their joint balance sheet showing net assets of almost one-half a million dollars, James B. McMillan was discharged in bankruptcy. The inherent inconsistency in the financial position represented by the bankruptcy proceeding as opposed to the current McMillan balance sheet warrants an issue, petitioner urges, to de-



termine whether the McMillans have misrepresented their financial position to the Commission or whether the McMillans are able to meet their stock subscriptions. In opposition, Valley submits an affidavit from James B. McMillan which explains that in 1969, he filed a petition in bankruptcy and that he was subsequently discharged in bankruptcy. McMillan states further that the assets shown on the joint balance sheet of James B. and Marie E. McMillan were largely the personal assets of Marie McMillan before she married James and any additional assets were jointly acquired by James B. and Marie E. McMillan after the petition in bankruptcy had been filed. In these circumstances the Board is satisfied that the McMillans can meet their stock subscriptions. We are not persuaded by Western's argument that, because the assets shown on the joint balance sheets were principally the personal assets of Marie McMillan, James will not be able to meet his subscription obligation, since the assets shown on the balance were not subject to the bankruptcy. Thus, inquiry into the ability of the McMillans to meet their stock subscription is therefore not warranted. Moreover, the uncontradicted explanation proffered by McMillan clearly establishes that the balance sheet did not misrepresent the facts and accordingly no basis for a misrepresentation issue in this regard is present.

15. Western urges that, based on his balance sheet, Clark Henry Tester will not be able to meet his stock subscription. Tester will be program director of Valley's proposed station. He plans to rely upon loans from other stock subscribers to meet his \$5,000 obligation. In his affidavit attached to Valley's opposition, Tester states that the repayment for this loan will be made out of current income. In light of these circumstances, an issue concerning Tester's ability to meet his stock subscription is not warranted. It is not unreasonable to assume that the entrepreneurs who are applying for a new television station are willing to lend their proposed program director the relatively small sum required to be paid by him for his stock. Nor is it improbable that Tester can meet his obligation to make repayment out of his current income. In light of the foregoing, the Board will add no issues concerning the ability of Valley stock subscribers to meet their obligations to the corporation.

#### ESTIMATED REVENUE ISSUE

16. Western notes that Valley's financial proposal encompasses only the costs of constructing its proposed station and operating it for 3 months. Western argues that since Valley cannot be assured of an NBC network affiliation, it cannot rely on proposed revenues to cover the remaining costs of operation during the first year. The Board agrees that, in the absence of an adequate showing that Valley can rely on an NBC network affiliation, its estimated income is too uncertain to be relied on. We do not agree with Valley's contention that the Commission precedent which requires an applicant

preparing to replace existing facilities to show sufficient funds to construct and operate its station for 3 months, is applicable here. It is clear that in making determinations as to whether an applicant has sufficient funds to construct and operate its station, the Commission will take into consideration any factors which are peculiar to the given case, see *Ultra-vision Broadcasting Co.*, 1 FCC 2d 544, 5 RR 2d 343 (1965). In this case Western has pointed out that there is a serious question as to whether Valley will be able to obtain a network affiliation, and, absent such an affiliation, there is no basis for according its estimate of revenues more weight than that ordinarily given to applicants for new facilities. In these circumstances, an appropriate issue will be added to this proceeding.

#### RCA CREDIT ISSUE

17. Western also argues that an examination of Valley's equipment proposal indicates that it will not require \$1,470,000 worth of equipment from RCA and thus it cannot rely on \$1,042,287 of deferred credit from RCA. The Board cannot accept this contention. There is no reason to assume that, should Valley require less equipment than that proposed, the deferred credit arrangement will not be available to it. Western's contention that some of the equipment proposed may be purchased elsewhere and thus not included in the RCA credit arrangement is not persuasive. Thus, in our view, Western has raised no question which warrants further inquiry into the proposed credit arrangement.

#### COST ESTIMATE ISSUES

18. Western has also contended that Valley has failed to take into account the cost of constructing and operating a microwave system to deliver its network programming to Las Vegas, Nev. Western further contends that it maintains an intercity microwave system to deliver its programming to Las Vegas; that the cost of the equipment for this system in 1964 was approximately \$83,700; that the same equipment today would cost \$95,000; and that the cost of towers, building, and access roads would be an additional \$95,000. Thus petitioner asserts, to construct an appropriate intercity microwave relay system, Valley will be required to invest at least \$190,000 and to expend at least \$48,690 per year in operational expenses. In opposition, Valley contends that it has included the cost of microwave service in its first year's operating expense and that it based its projected first year operating costs on the costs for microwave relay service of existing stations in the Las Vegas market as reported in the Commission's annual financial reports for the market. Valley relies upon a statement in the affidavit of Mr. Rogers, its president, to the effect that Valley intended to pay any costs for intercity microwave relay from its anticipated operating expenses. Valley's conclusory statement, with no explanations of the specific costs involved or how those services will be provided is not a satisfactory answer to

the allegations advanced by Western. In the Board's view, questions concerning the probable costs to Valley of obtaining the necessary microwave relay service are sufficient to warrant inquiry into this aspect of Valley's proposal.

#### STUDIO COSTS

19. Western alleges that Valley's proposal to lease studio space at a cost of approximately \$10,000 per annum will not provide sufficient suitable space in Las Vegas to operate a VHF television station. It is Western's contention that in order to successfully operate a television station certain special equipment is required, such as: Abnormally high ceilings, special wiring which would cost a minimum of \$25,000, special heavy-duty air conditioning at a cost of \$15,000 over the normal building air conditioning equipment and soundproofing which would cost approximately \$2,500 over normal soundproofing. Furthermore, Western argues that, for such a studio to operate successfully, it must have a minimum of 10,000 square feet of space. In support of this, it points to the space utilized by Stations KORK-TV, KLAS-TV, and KSHO-TV, all operating TV stations in Las Vegas, Nev.<sup>4</sup> Western then alleges that on the current Las Vegas market, \$10,000 per year can pay for no more than 6,000 square feet of refrigerated warehouse space, that this space would not be sufficient to meet Valley's requirement, nor is the space which could be acquired for this amount suitable for television studio purposes without the inclusion of special wiring, additional air conditioning and special soundproofing. In opposition, Valley submits a letter from its stock subscriber, George C. Brookman, who is also a general contractor in Las Vegas, offering to make available to Valley a building owned by him. According to Brookman the building contains approximately 7,000 square feet of open studio space which will be partitioned in any manner required by Valley at the expense of the owner; in addition, the building contains 4,000 feet of office space. Brookman states that he is offering a 10-year lease with an option to renew for an additional 10 years, and that the rental for the entire facility, including any partitioning and a transmitter house to be constructed by the owner, would be \$10,000 for the first year and the balance of the term at a rental which will allow the owner a fair rate on all of the real property and improvements over the term of the lease. In its reply, Western submits photographs of the building which Brookman proposes to make available to Valley and contends that it is not properly equipped with refrigerated air conditioning and that the ceilings are probably no more than 12 feet high; thus, Western contends, the building will not be suitable for studio use. The Board, however, is satisfied that Valley can

<sup>4</sup> Western attaches affidavits of operating officials of each Las Vegas network station setting forth the space required by that station.



effectuate its proposal, utilizing the space offered by its stockholder Brookman on the terms described in his letter. While the arrangements may be somewhat less than optimum, we are not persuaded that Valley will be unable to operate using those proposed facilities.

#### TRANSMITTER SITE COSTS

20. Western contends that Valley has failed to take into account certain cost items necessary to construct its proposed transmitter. Particularly, petitioner alleges that Valley's amended application requires 275 feet of transmission line as opposed to the 150 feet set forth in the original application. Western urges that the additional 125 feet will cost approximately \$2,400. Moreover, Western notes that Valley has made no provision for a transmitter house at its antenna site and contends that there is not presently any suitable space which Valley could rent at the transmitter site. It is Western's opinion that such a building would cost a minimum of \$25,000. Western also points out that the only access to Valley's proposed antenna site is via privately owned roads and alleges that the cost of the use of those roads would surely exceed \$3,000. Thus, Western contends, an issue inquiring into these costs should be included in this proceeding. In opposition, Valley alleges that it will not be necessary for it to construct a transmitter building at its antenna site or to lease space at that site since Mr. Brookman has agreed to construct such a building on the property occupied by its proposed studio and to make it available as part of the package for studio and office space discussed in paragraph 19, supra. Moreover, Valley attaches as Exhibit 11 of its opposition a letter from the Bell Telephone Company of Nevada advising Valley that it is not the company's policy to deny others the use of its private access roads so long as certain conditions are met. Further Valley points to Mr. Roger's affidavit to the effect that he stands ready to negotiate with the Alta Corp.<sup>3</sup> for the use of its portion of the access road; in these circumstances, Valley contends, no issue with respect to its cost estimate in this regard is necessary. In our view, Western has raised some questions concerning costs which might be incurred by Valley obtaining access to its proposed antenna site which should be taken into account in this proceeding. Valley has not disclosed what conditions might be imposed as conditions precedent to its use of the telephone company's access road or what the cost might be. Nor does it know what terms might be required to use the Alta Corp. road from the telephone company site to the mountain top. Accordingly, an appropriate issue will be included.

#### PROGRAMING COSTS

21. Western also questions the validity of Valley's cost estimates in connection with its first year of operation. Essentially, Western bases its argument on its contention that Valley will not have an NBC network affiliation. In view of our prior determination that an issue concerning Valley's network affiliation must

be included in this proceeding (see paragraph 5, supra), an inquiry into Valley's program costs should such an affiliation not be available is appropriate.

#### STUDIO AND OFFICE SPACE ISSUE

22. Western contends that the studio and office space proposed by Valley is not adequate for the operation of its television facilities and seeks an issue inquiring into this matter. Particularly, it contends that, based on the current real estate market in Las Vegas, Valley can not possibly procure the facilities that will be necessary to successfully operate its station. In view of our ruling with respect to the cost of Valley's proposed studio and office building (see paragraph 19, supra), this issue will not be added to the instant proceeding.

#### TRANSMITTER ACCESS AND SUITABILITY ISSUE

23. In support of this request, Western contends that Valley must obtain permission from the Department of Interior, Bureau of Land Management to use its proposed Black Mountain site and that in considering such requests the Bureau of Land Management applies the following standard:

Applicants for communications sites on this mountain will be considered on equal grounds and right of way for use will be allowed if the applicant meets the necessary criteria as established in the Federal regulations.

Western points out that Valley has not given evidence on having requested a permit for the use of Black Mountain and contends that before the Bureau of Land Management will grant such a permit, Valley must show that it has made arrangements to use the access road owned by Bell Telephone Company of Nevada, and an access road from the Bell site to the top of the mountain which is owned by Alta Corp. Furthermore, Western points out that Alta constructed its road at a total cost of approximately \$90,000, and urges that, if Valley is to use this road, it will be required to reimburse Western for its share of the cost of construction and to pay its pro rata share of the maintenance of said road. Moreover, Western contends, the mountain top site proposed by Valley is not suitable to support a guyed tower since there is not sufficient level area to provide appropriate sites for the guy anchors. In support of this contention, Western submits an affidavit from its consulting engineer to the effect that the only suitable installation that could be used on Valley's Black Mountain site would be a self-supporting tower. In opposition to these contentions, Valley argues that it already has a letter from Bell Telephone Company of Nevada, indicating that Valley will be authorized to use Bell's access road under certain terms and con-

<sup>3</sup> Alta Corp., owned jointly by Western and KLAS-TV, is the proprietor of a road which runs from the Bell site to the top of Black Mountain, where Valley proposes to erect its antenna.

ditions and that it stands ready to negotiate with Alta for the right to utilize its access road to the mountain top. Valley also states, based upon an affidavit of Robert K. Packard, that should the erection of a guyed tower on its proposed site not prove feasible, it has sufficient leeway in the credit proposal advanced to it by RCA to permit the construction of a self-supporting tower. In these circumstances, the Board will not add an issue to ascertain in the feasibility or suitability of Valley's proposed antenna site.<sup>4</sup>

#### EQUAL EMPLOYMENT OPPORTUNITY ISSUE

24. Western contends that Valley's one page exhibit which purports to describe its equal employment program fails to set forth any specific practices which will be followed by that company to assure equal employment opportunity for minority group members. In the absence of a detailed program, Western contends that an issue should be added to determine what plans, if any, Valley has made with respect to an equal opportunity employment program. In opposition, Valley argues that the Commission has found it qualified in all respects other than those specified in the issues in the order designating the matter for hearing. However, Valley states, since Western has raised the question, Valley is submitting an affidavit of Mr. James E. Rogers, its president, as Exhibit 13, setting forth its equal employment opportunity program. That affidavit sets forth in considerable detail Valley's program to insure nondiscrimination in recruiting, nondiscriminatory practices with respect to placement and promotion and to insure nondiscrimination in all other areas of its employment practices. In view of these details supplied by Valley, an issue inquiring into Valley's program is not warranted.

#### PUBLIC INSPECTION FILE ISSUE

25. Western requests an issue to determine whether Valley has complied with § 1.526 of the Commission's rules, the local public inspection file rule. Petitioner does not question the fact that Valley maintained a public file in Las Vegas or that the file was made available to Western upon request. However, it contends that certain items which should have been in the file at the time of its inspection were not available. Those items petitioner states, consisted of certain letters and some exhibits and pages associated with amendments referred to in the file. In view of these omissions, Western contends, a § 1.526 issue should be added to this proceeding. In opposition, Valley states that its public inspection file has always been maintained in the office of its local attorney and upon any request this file has been made available. Further, Valley contends that after a careful examination of its file, it has determined that

<sup>4</sup> See paragraph 20 for our ruling concerning cost of obtaining access to the Black Mountain site.



Item 2 of Western's list, Exhibit 7 to the application with a three-page amendment, etc., does not exist; the amendment, in fact, deleted the material referred to. Valley also notes that an item described as Exhibit No. 3 by Western would not require new pages and thus was not missing. Valley submits the other documents referred to by Western as exhibits attached to its opposition. According to the affidavit of Thomas E. Lea, Las Vegas attorney for Valley and custodian of Valley's public inspection file, the file has always been maintained in his office and all of the documents referred to on page 24 of Western's motion to enlarge, were available in his office and would have been given to Western's representative had she requested those documents. However, Valley states, the September 27, 1971, letter to the Commission certifying that the public notice was published, a letter of transmittal to the Commission dated November 21 by Rourke of Welch and Morgan and a one-page letter from the Commission to Valley dated November 17, 1971, and a two-page letter to the Commission dated September 1, 1972, signed by Rourke, all were apparently mistakenly placed in a litigation file. Nevertheless, Valley contends it has made a bona fide good faith effort to maintain a complete public reference file. In view of these facts, the Board is satisfied that while the file may not have been entirely complete at the time it was provided to Western's representative, Valley has in fact made a good faith effort to maintain a complete file for public reference. Its failure to include the items described above in the file was obviously inadvertent and no useful purpose will be served by adding an issue concerning this matter.

#### SECTION 1.53(b) ISSUE

26. Western notes that § 1.53(b) of the Commission's rules states that:

applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or, absence from the United States. The attorney shall in that event set forth the reason that the application is not signed by the applicant.

Western also notes that under date of October 26, 1971, Valley submitted an amendment which was signed James E. Rogers, by Gerald S. Rourke, attorney in fact; that there was no explanation that Rogers was either physically disabled, or that he was absent from the United States; on November 2, Valley submitted a new certificate page containing the signature of James E. Rogers dated October 26, 1971. This, Western contends, raises questions as to the validity of Rourke's signature on behalf of Rogers and constitutes a violation of § 1.53(b) of the Commission's rules which warrants inquiry at the hearing. In opposition, Valley submits the affidavit of James E. Rogers, who states that he is the president and a director

of Valley, that Rourke, Washington, D.C., counsel for Valley, was in Las Vegas from Tuesday, October 19 to Friday, October 22 working with Rogers and other members of Valley to prepare an amendment to Valley's application; that all of the materials for the amendment were completed in draft form and were reviewed and approved by Rogers; that Rourke returned to Washington, D.C., on Friday, October 22; that the material was typed in final and ready for filing on October 26, 1972; that Rourke had on that date called Rogers to advise him that he had neglected to sign the certification page before Rourke left Las Vegas; and that Rogers and Rourke discussed possible alternatives and concluded that Rourke should sign the amendment as attorney in fact for Rogers so that it could be filed as a matter of right.<sup>7</sup> Rogers states that since he was fully familiar with all of the contents of the amendment, he signed a certification page which was forwarded to Rourke and in turn submitted to the Commission to replace Rourke's signature as attorney in fact. It is apparent that Valley has not literally complied with the requirements of § 1.53(b); however in view of its explanation set forth in Rogers' affidavit, it is apparent that his omission was unintentional and that Rogers fully participated in the preparation of the amendment. Thus the nunc pro tunc filing of the certification page with Rogers' signature does not require an issue in this proceeding.

#### THE INEPTNESS AND SECTIONS 1.514 OR 1.65 ISSUE

27. Western contends that, assuming arguendo that Valley's representations as to the availability of the loan from the Bank of Nevada and the availability of its affiliation agreements with NBC and its failure to disclose information concerning Sam Cohen were not intentional and do not disqualify Valley on character grounds, there should nevertheless be an issue specified to determine whether these as well as other alleged errors and omissions cited throughout the petition to enlarge demonstrate that Valley has been so inept and careless that it lacks the qualifications to be a station licensee. Western also argues that several alleged instances of substantial changes in the qualifications of various stockholders which have not been reported warrant the inclusion of an issue to determine whether Valley has complied with § 1.65 of the Commission's rules. Furthermore, Western alleges that Valley's failure to give an accurate picture of McMillan's financial condition as compared with that set forth in his bankruptcy proceeding and its failure to set forth the principal occupations of Babero, Guy, Moore, and Tester raise questions as to whether Valley has com-

plied with § 1.514 of the Commission's rules. In view of all of these circumstances, Western contends that most certainly the issues requested must be added to this proceeding. In view of our rulings on the issues previously discussed in this memorandum opinion and order, neither the ineptness issue, the § 1.65 issue or the § 1.514 issue appear to be warranted. Since Fightlin and Kirshbaum are relying on bank loans to meet their subscription agreements the changes incurred by their real estate transactions have no significant effect on their ability to meet their subscriptions. Guy is also relying upon a loan and it does not appear that his divorce and property settlement will affect his ability to secure the necessary loan. Nor is it likely that Valley's failure to set forth the principal business or occupation of four of its 18 stock subscribers is likely to be of decisional significance in this proceeding. Thus, no useful purpose would be served by further inquiry into this matter.

28. Accordingly, it is ordered, That the motion for leave to file a response, filed February 28, 1973, by Las Vegas Valley Broadcasting Co., is denied; the response to reply, filed February 28, 1973, by Las Vegas Valley Broadcasting Co., is dismissed; and the motion to enlarge issues, filed October 6, 1972 by Western Communications, Inc. is granted to the extent indicated below, and is denied in all other respects.

29. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Las Vegas Valley Broadcasting Co. can reasonably expect to secure a network affiliation and, if not, the effect on Valley's financial qualifications and its ability to effectuate its program proposal.

To determine the terms and conditions of the proposed bank loan from Nevada State Bank relied upon by Valley, whether Valley can meet those terms and conditions, and whether, in light thereof, the proposed loan will in fact be available to it.

To determine all the facts concerning Valley's proposed microwave relay service and their effect on its financial qualifications.

To determine the cost, terms and conditions which must be met by Valley to obtain access to its proposed transmitter site and their effect on its financial qualifications.

To determine in view of the facts adduced pursuant to the foregoing issues, whether Valley is financially qualified to construct and operate its proposed station.

30. It is further ordered, That the burden of proceeding with the introduction of evidence and proof under the issues added herein shall be on Las Vegas Valley Broadcasting Co.

Adopted: March 6, 1973.

Released: March 9, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc. 73-5099 Filed 3-15-73; 8:45 am]

<sup>7</sup> Amendments filed before a matter is designated for hearing are accepted as a matter of right. Sec. 1.522 of Commission rules.



## FEDERAL MARITIME COMMISSION

## CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

## 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 46 CFR Part 542.

Certificate No.	Owner/operator and vessels
01011---	Aktieselskabet Det Ostsøslatstke Compagni: Jutlandia.
01103---	Poseldon Schiffahrt Gessellschaft Mit Beschränkter Haftung: Lohengrin.
01271---	Scheepvaart Maatschappij "Trans Ocean" B.V.: Moerdijk. Gaasterdyk. Grebbeek. Grotek. Gorredyk. Katsedyk. Atlantic Crown. Atlantic Star. Bilderdyk.
01334---	American President Lines, Ltd.: President Harrison.
01341---	John I. Jacobs & Co., Ltd.: Beechwood. Cherrywood. Rosewood.
01422---	The Booth Steamship Co. Ltd.: Bernard. Boniface.
01426---	Kuwait Shipping Co. (S.A.K.): Al Shidadiyah.
01431---	The Bolton Steam Shipping Co. Ltd.: Rosetti.
01466---	Common Brothers (Management) Ltd.: Cheshire Venture.
01893---	Silver Line Ltd.: Silverpelerin. Sealnes. Bravenes.
02198---	The Peninsular and Oriental Steam Navigation Co.: Nurjehan. Gambhira.
02332---	Lykes Bros. Steamship Co., Inc.: Tillie Lykes.
02473---	Irish Shipping Ltd.: Irish Pine. Irish Maple.
02475---	Houston Barge Line, Inc.: HBL 3009. HBL 3010. HBL 3011. HBL 1601.
02501---	Standard Oil Company of California: Recoverer.
02876---	Kabushiki Kaisha Hokkaido Gyo-gyo Kosha: Ryuyo Maru No. 2.
02935---	Cable and Wireless Ltd.: Mercury.
03446---	Kinsei Kisen K. K.: Kametsoshi-Mar.
03459---	Meiji Kaikan K. K.: Marquis.
03460---	Mibae Shosen Kabushiki Kaisha: Sado Maru.

Certificate No.	Owner/operator and vessels
03474---	Nippon Suisan K. K.: Teshio Maru.
03479---	Okada Shosen Kabushiki Kaisha: Tashima Maru.
03484---	Sanko Kisen K. K.: World Progress. Hoko Maru.
03505---	Showa Yusen Kabushiki Kaisha: Sanuki Maru.
03509---	Taiyo Shosen K. K.: Ocean Orion.
03532---	Zuisei Kaikan Kabushiki Kaisha: Wako Maru.
03534---	Zapata Naess (Holland) B.V.: Stolt Dragon.
03557---	Olsen Daughter A/S: Morning Light.
03614---	A/S Kristian Jebsens Rederi: Fjordnes.
04019---	Nord-Transport, Strandheim & Stensaker: Leikvin.
04226---	National Marine Service, Inc.: N.M.S. No. 1404. N.M.S. No. 1405. N.M.S. No. 1406. N.M.S. No. 1407. N.M.S. No. 1402. N.M.S. No. 1403. N.M.S. No. 1350.
04250---	Westminster Co.: Alekos.
04625---	American Commercial Lines, Inc.: Charles Lehman.
04768---	Texaco Overseas Tankship Ltd.: Texaco Sweden.
04788---	Traverse Shipping Inc.: Perilefki.
05046---	Magnolia Marine Transport Co.: MM-9. M-14.
05235---	Gulfcoast Transit Co.: Marie Flood.
05577---	Far Eastern Shipping Co.: Yelena Stasova. Osp Pyatnitsky. Novorossiysk.
05580---	Kamchatka Shipping Co.: Snezhnogorsk.
05608---	Fekete & Co.: Lina Christensen. Bertha.
05848---	Navimex S.A.: Rio Balsas.
06248---	Commercial Corporation "Sovryb-flot": Kamenskoe.
06729---	Overseas Containers Ltd.: Osaka Bay.
06925---	Bibby Bulk Carriers Ltd.: Coventry City. Toronto City. Derbyshire. Worcestershire.
07154---	NV Veendam: Veendam.
07155---	NV Volendam: Volendam.
07291---	Butler Marine Equipment Co.: BU-45. T 150 SL. T 250 SL. W.P. Jackson. BU-40. BU-41. BU-42. BU-43. T100 SL. T 200 SL. M-1.
07335---	Freedom Shipping Co. Ltd.: George Tsounis.
07339---	Tsounis Shipping Ltd.: Ariadne.
07362---	Primorsk Shipping Co.: International. Zavety Ilcha.

Certificate No.	Owner/operator and vessels
	Pamyatj Lenina. Nakhodka. Egorjevsk. Komsomolets Ukrainy. Molodechno. Slavgorod. Chernovtsy. Petr Shirshev. Viljusk. Komsomolets Primorja. Pevek. Abagur. Frunze. Aleysk. Anapka. Araks. Aleksievsk. Amursk. Ambarchik. Abakan. Amgun. Aktubinsk. Alkhal. Rauma. Alon. Anul. Khanka. Novik. Khrustalnyi. Aniva. Kapitan Izotov.
07374---	Ocean Tramping Co., Ltd.: Gaoyu. Balma. Baipao. Balslung. Mingiang. Mingchang. Mingwei. Mingyao. Shengli. Kaigo. Hungmien. Nanwu.
07419---	Naviera Mercurio S.A.: Crystal Gardenia.
07550---	Erato Shipping Inc.: Regent Botan. Regent Vanda.
07574---	Georgian Shipping Co.: Poti. Malkop. Iziaslav. Kirov. Klapeda. Tbilisi. Bugulma. Chkalov. Fridrikh Engles. Kremenchug. Aksal. Anapa. Aleksievka. Alagir. Aleksin. Aktash. Anakliya. Adygeni. Akhaltsikhe. Zugdidi. Gori. Borzhomi. Kutaisi. Pyatidesyati-Lette Sovetskoi Gruzii. Batumi. Kerch. Aktau.
07624---	Josef Roth—Rederei: Viktoria Roth. Anton Roth. Rudolf Kurz.
07633---	La Paloma Shipping Enterprises S.A., Panama: Barbadinos.



Certificate  
No. Owner/operator and vessels

07640--- Exxon Co.:  
Exxon Barge No. 9.  
Exxon Barge No. 12.  
Exxon Barge No. 13.  
Exxon Barge No. 14.  
Exxon Barge No. 16.  
Exxon Barge No. 17.  
Exxon Barge No. 22.  
Exxon Barge No. 23.  
Exxon Barge No. 24.  
Exxon Barge No. 25.  
Exxon Barge No. 26.  
Exxon Barge No. 31.  
Exxon Barge No. 32.  
Exxon Barge No. 33.  
Exxon Barge No. 108.  
Exxon Barge No. 109.  
Exxon Barge No. 110.  
Exxon Barge No. 111.  
Exxon Barge No. 117.  
Exxon Barge No. 201.  
Exxon Barge No. 202.  
Exxon Barge No. 203.  
Exxon Barge No. 204.  
Exxon Barge No. 205.  
Exxon Barge No. 206.  
Exxon Barge No. 207.  
Exxon Barge No. 208.  
Exxon Barge No. 209.  
Exxon Barge No. 210.  
Exxon Barge No. 211.  
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Exxon Barge No. 257.  
Exxon Barge No. 266.  
Exxon Barge No. 267.  
Exxon Kentucky.  
Exxon Pennsylvania.  
Exxon Tennessee.  
Exxon West Virginia.  
Exxon Baton Rouge.  
Exxon Philadelphia.  
Exxon San Francisco.  
Exxon Houston.  
Exxon New Orleans.  
Exxon Boston.  
Exxon Baltimore.  
Exxon Lexington.  
Exxon Jamestown.  
Exxon Washington.  
Exxon Gettysburg.  
Exxon Seattle.  
Exxon Huntington.  
Exxon Florence.  
Exxon Newark.  
Exxon Bangor.

Certificate  
No. Owner/operator and vessels

Exxon Chester.  
Exxon Miami.  
Exxon Port Everglades.  
Exxon 5.  
Exxon 100.  
Exxon 268.  
Exxon Connecticut.  
Exxon 30.  
Exxon 29.  
Exxon 118.  
Exxon 119.  
Exxon TOW No. 1.  
Exxon ST-10.  
Exxon ST-12.  
Exxon 120.  
Exxon DB-1.  
Exxon 823.  
Exxon 839.  
Exxon 840.  
Exxon 841.  
Exxon 847.  
Exxon 866.  
Exxon 101.  
Exxon 831.  
Exxon 832.  
Exxon 833.  
Exxon 834.  
Exxon 835.  
Exxon 836.  
Exxon 837.  
Exxon 838.  
01648--- Sudatlantica Armadora S.A.:  
European River.  
07651--- Canaveral International Corp.:  
Star Trek.  
Lakeland.  
Canaveral.  
07655--- Maria Shipping Co. Ltd.:  
Despina Pontikos.  
07660--- Mavis Compania Naviera S.A.:  
Elly.  
07667--- Nautical Tanker Corp.:  
Aurelia.  
07668--- Aurora Shipping Corp.:  
Rebecca.  
07670--- Northern Star Navigation Corp.:  
Sacha.  
07672--- Daritonal Shipping Co. S.A.:  
Lady Ute.  
07679--- Millstone Oil Carriers, S.A.:  
Thale.  
07681--- Lidoriki Maritime Corporation  
Panama:  
Elias.  
07684--- Seaboss Maritime Co., Ltd.:  
Elindia.  
07687--- Neptune-Kawasaki Tankers (Pri-  
vate) Ltd.:  
Neptune Spica.  
07689--- Transmarine Seaways Corp.:  
Ocean Voyager.  
07692--- Pine Development Co., S. A. Pan-  
ama:  
Pine Gold.  
Pine Silver.  
07693--- Euboea Cia Nav. S.A.—Panama:  
Athena's Temple.  
07695--- Partrederiet of 30.4.70:  
Merc Phoenixia.  
07696--- Partrederiet of 29.4.70:  
Merc Asia.  
07697--- Partrederiet Merc Caribia:  
Merc Caribia.  
07698--- Partrederiet Merc Australia:  
Merc Australia.  
07699--- Partrederiet Merc America:  
Merc America.  
07700--- Partrederiet Merc Africa:  
Merc Africa.  
07701--- Partrederiet Merc Scandinavia:  
Merc Scandinavia.  
07702--- Partrederiet Merc Polaris:  
Merc Polaris.  
07703--- K. S. Merc Scandia VI:  
Merc Maris.

Certificate  
No. Owner/operator and vessels

07704--- K.S. Merc Scandia V:  
Merc Enterprise.  
07705--- Tanda Katun Kabushiki Kaisha:  
Seiran Maru.  
07708--- Remolino Naviera S.A.:  
Tauranga.  
07709--- Elamar S.A.—Panama:  
San Francisco.  
07710--- Laudania Seaways, Inc.:  
Liza P.  
07711--- Ab Vasa Shipping Oy:  
Frances.  
07714--- Costoula Shipping Co., Ltd.:  
Ravens.  
07715--- Liberian Hornet Transports, Inc.:  
Eastern Hornet.  
07716--- Boreas Shipping Corp.:  
Karaiskaki.  
07718--- Tokyo Teion Senpaku K.K.:  
Ecuador-Mar.  
Wakagi-Mar.  
07719--- Coast Navigation, Inc.:  
Jesterole.  
07724--- Pure Bulk Carriers Corp.:  
Poukou.  
07727--- Sea Bridge Marine, Inc.:  
Vespasian.  
07729--- Estell S.A.:  
Usaramo.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-5123 Filed 3-15-73;8:45 am]

**SAMEIET M/S "BOLERO" ET AL.**  
**Notice of Issuance of Certificate**  
**[Performance]**

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Samelet M/S "Bolero" and Lion Ferry A/B, c/o Lion Ferry AB, 468 Commercial Street, Portland, ME.

and  
Commodore Cruise Line, Ltd. and Pan Cruise, Inc., c/o Commodore Cruise Line, Ltd., 1015 North America Way, Miami, FL.

Dated: March 13, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-5121 Filed 3-15-73;8:45 am]

**SAMEIET M/S "BOLERO" ET AL.**  
**Notice of Issuance of Certificate [Casualty]**

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 pur-



suant 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):

Samelet M/S "Bolero" and Lion Ferry A/B, c/o Lion Ferry AB, 468 Commercial Street, Portland, ME.

and

Commodore Cruise Line, Ltd. and Pan Cruise, Inc., c/o Commodore Cruise Line, Ltd., 1015 North America Way, Miami, FL.

Dated: March 13, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-5122 Filed 3-15-73; 8:45 am]

## U.S. ATLANTIC/PERU SOUTHBOUND POOLING AGREEMENT

### 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, on or before March 26, 1973. 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:

Harold T. Quinn, Barrett Smith Schapiro & Simon, 26 Broadway, New York, NY 10004.

Agreement No. 10041, between Compania Peruana De Vapores (CPV) and Prudential-Grace Lines, Inc., provides for the establishment of a pooling, sailing and equal access to government-controlled cargo arrangement for the apportionment of freight revenues on all cargo, with certain specified exceptions, transported by the parties from U.S. Atlantic Coast ports, Maine to Key West, inclusive, to ports in Peru, including Peruvian cargo transhipped at non-Peruvian ports. The intent is that the lines will equally participate in the cargo revenues generated by both of them

when operating within the scope of the agreement.

The parties will each maintain a minimum of 18 sailings per calendar year subject to conditions of force majeure. Sailings for a period of less than a calendar year will be on a pro rata basis.

Provisions with respect to adjustments in the event of sailing and space deficiencies, and pool accounting and settlement are set forth in the agreement. Prudential-Grace Lines, Inc., shall be accorded the status of a Peruvian flag line with respect to the carriage of southbound cargo in the foreign commerce of Peru. Prudential-Grace Lines, Inc., will support applications for waivers which shall place Peruvian flag vessels of Compania Peruana De Vapores on a basis of equal opportunity with Prudential-Grace Lines, Inc. vessels with respect to the carriage of government-controlled cargo.

Agreement No. 10041 will, upon approval, cancel and supersede Agreement No. 9849, and shall remain in effect for 2 years unless earlier canceled as provided therein.

Dated: March 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-5120 Filed 3-15-73; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CI73-519]

### DORCHESTER EXPLORATION, INC.

#### Notice of Amendment to Application

MARCH 12, 1973.

Take notice that on March 2, 1973, Dorchester Exploration, Inc. (Applicant), 1204 Vaughn Building, Midland, TX 79701, filed in Docket No. CI73-519 an amendment to its application pending in said docket 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 Northern Natural Gas Co. from acreage in Hemphill County, Tex., all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes to continue for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) a sale of natural gas initiated within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). In its amendment to the application Applicant indicates that it proposes to sell gas at 40 cents per Mcf at 14.65 p.s.i.a. plus all existing and new taxes. Initial tax reimbursement is estimated at 3 cents per Mcf.

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 as amended should on or before March 26, 1973, file with the Federal Power Com-

mission, 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. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5029 Filed 3-15-73; 8:45 am]

[Dockets Nos. RI73-228, etc.]

## PROPOSED CHANGES IN RATES

### Order Providing for Hearing on and Suspension, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

MARCH 9, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

#### The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

#### The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.



## APPENDIX A

Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI73-228	Bayou Oil Co.	2	*11	Phillips Petroleum Co. (Panhandle and Hugoton Fields, Sherman, Moore and Hartley Counties, Texas, R.R. District No. 10).	\$12,610	2-12-73		2-13-73	10.5731	13.2337	RI70-456.
RI73-229	Pauley Petroleum Inc.	2	*12	do	16,354	2-12-73		2-13-73	9.622	12.0347	RI70-456.
				Phillips Petroleum Co. (Panhandle Field, Hutchinson County, Texas, R.R. District No. 10).	15,905	2-8-73		2-9-73	10.8729	13.2337	RI70-455.

\* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

† Sweet gas.

‡ Sour gas.

§ Includes letter from Phillips dated July 6, 1972 (to Bayou), and July 5, 1972 (to Pauley) advising Bayou and Pauley that El Paso's resale rate increased on July 6, 1972.

¶ Filing completed February 9, 1973.

Bayou Oil Co. and Pauley Petroleum Inc. propose revenue sharing increases for well-head sales to Phillips Petroleum Co. from the Hugoton and Panhandle Fields in Texas R.R. District No. 10. Phillips gathers and resells the residue gas to El Paso Natural Gas Co. under its Rate Schedule No. 32 at the area rate ceiling of 17 cents per Mcf. The proposed increases do not exceed the applicable area rate ceiling but the filings are based upon an increase in El Paso's average resale rate which became effective subject to refund in Docket No. RP71-13 on July 6, 1972. Inasmuch as the subject filings are based upon a rate which is effective subject to refund, the proposed rate increases are suspended for 1 day.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-5032 Filed 3-15-73;8:45 am]

[Docket No. CP73-229]

### FLORIDA GAS TRANSMISSION CORP. Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Florida Gas Transmission Corp. (Applicant), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP73-229 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1973, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed \$7 million, and no single onshore or offshore project will exceed a cost of \$1 million or \$1,750,000, respectively. Applicant states that these

costs will be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, 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.73-5062 Filed 3-15-73;8:45 am]

[Docket No. E-7876]

### IOWA-ILLINOIS GAS & ELECTRIC CO. Notice of Proposed Changes in Rates and Charges

MARCH 12, 1973.

Take notice that Iowa-Illinois Gas & Electric Co. (IIG&E), on August 23, 1972, tendered for filing proposed changes in

its FPC Rate Schedule No. 22, Schedule A. This filing was further supplemented on November 21, 1972, with sales and revenue data as requested by the Commission. The August 23 filing was a fourth supplement to interchange agreement dated August 15, 1972, between IIG&E and Muscatine, Iowa, and purportedly reflects mutual accord concerning negotiated changes in the demand and energy charges for maintenance power, and the energy charges for reconditioned power and emergency energy. The proposed effective date was to be not later than 30 days from the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5063 Filed 3-15-73;8:45 am]

[Docket No. E-8053]

### KENTUCKY UTILITIES CO. Notice of Proposed Changes in Rates and Charges

MARCH 12, 1973.

Take notice that Kentucky Utilities Co. (Kentucky) tendered for filing on February 28, 1973, proposed changes in the Kentucky-Indiana Pool Planning and Operating Agreement, Service Schedule B dated as of July 9, 1971. The filing consists of a proposed change in the demand charge for unit power portion of the agreement by and between East Kentucky Rural Electric Cooperative Corp., Indianapolis Power & Light Co., Public Service Company of Indiana, Inc., and Kentucky. The proposed effective date is April 1, 1973.



Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5061 Filed 3-15-73;8:45 am]

[Docket No. E-8059]

#### OKLAHOMA GAS & ELECTRIC CO.

##### Notice of Agreement for Electric Service

MARCH 12, 1973.

Take notice that on March 1, 1973, Oklahoma Gas & Electric Co. (OGE) tendered for filing two copies of an agreement for electric service, dated February 21, 1973, between the Oklahoma Gas & Electric Co. and KAMO Electric Cooperative, Inc.

OGE states that this agreement provides for wholesale electric service at a new point of delivery and is similar to the agreement on file with the Commission dated August 19, 1971, which provides for wholesale service at the Morrison Tap Substation point of delivery and is designated as FPC Rate Schedule No. 89.

The Company states that to provide service to this customer at this point of delivery, will add primary metering to an existing 12.5 kv. line. OGE says that the rate under which the usage at this location will be billed is the Company's PN-2 Rate Schedule, which is the standard schedule for service to Rural Electric Cooperatives. The rate schedule is designated as Exhibit A and is attached as part of the agreement. OGE also says that it is enclosing two copies of Attachment 1 which shows the estimated annual billing to the Cooperative at this new point of delivery.

The Company requests that the Commission accept the subject agreement for filing to become effective May 1, 1973, which is the estimated date for completion of the facilities necessary to provide service to the Cooperative at this location.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but

will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5065 Filed 3-15-73;8:45 am]

[Docket No. E-7795]

#### PHILADELPHIA ELECTRIC CO.

##### Notice of Extension of Time and Postponement of Hearing

MARCH 12, 1973.

On February 27, 1973, the Borough of Lansdale filed a motion for an indefinite postponement of the hearing scheduled by the order issued November 22, 1972 in the above matter pending a final decision by the Court of Appeals in "Borough of Lansdale v. FPC," C.A.D.C. No. 73-1031. In the event this request is denied the Borough of Lansdale requests that the present dates be postponed for 60 days.

On February 20, 1973, the Commission Staff filed an answer opposing the motion. On March 1, 1973 the Borough of Lansdale filed a reply to the Staff's answer.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Intervenor's evidence, March 28, 1973.

Service of Philadelphia Electric Co.'s rebuttal, April 13, 1973.

Cross examination, May 1, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5064 Filed 3-15-73;8:45 am]

[Dockets Nos. RP72-91, etc.]

#### SOUTHERN NATURAL GAS CO.

##### Notice of Proposed Changes in Rates and Charges

MARCH 13, 1973.

Take notice that Southern Natural Gas Co. (Southern) on March 1, 1973, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, sixth revised volume No. 1 to become effective April 15, 1973. The revised tariff sheets contain proposed changes in rates and charges which would increase annual revenues for jurisdictional sales in the amount of \$1,885,961, of which \$1,114,035 is based upon advance payments to producers in excess of the amount of advance payments included in Southern's rate increase filing in Docket No. RP72-91 and \$771,926 is for cost of transportation of gas purchased. The proposed revenue increases are over and above the rates and charges which became effective October 1, 1972, subject to refund in Dockets Nos. RP72-91 et al.

Southern states that the reasons for the proposed rate increases are: (1) Southern has included in its Docket No.

RP72-91 advance payments in the amount of \$54,902,572 in its rate base and has at the present time advance payments on its books in the amount of \$63,848,146 of which \$8,945,574 has not been reflected in increased rates, and (2) the cost of transportation of gas purchased by Southern directly from independent producers and transported through Sea Robin Pipeline Co.'s (Sea Robin's) pipeline system. All other items of cost included in this rate filing are identical to those in the rate filings in Dockets Nos. RP72-91, et al. No other tariff changes are proposed.

Copies of the increased rate filing have been served upon all jurisdictional customers and upon interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5128 Filed 3-15-73;8:45 am]

[Docket No. CI73-583]

#### TEXACO INC.

##### Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Texaco Inc. (Applicant), Post Office Box 60252, New Orleans, LA 70160, filed in Docket No. CI73-583 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Iberia Field, Iberia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 24, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 2,000 Mcf of gas per day at 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and



downward B.t.u. adjustment. Initial upward B.t.u. adjustment is estimated at 4.5 cents per Mcf.

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 March 26, 1973, 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. 73-5030 Filed 3-15-73; 8:45 am]

[Dockets Nos. RI73-230, etc.]

#### PROPOSED RATE CHANGES

#### Order Providing for Hearing on and Suspension and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

MARCH 9, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and §154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf <sup>a</sup>		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI73-230	Warren Petroleum Co., a division of Gulf Oil Corp.	61	4	El Paso Natural Gas Co. (Tatum Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	\$708	2-12-73		8-17-73	30.36	31.3720	RI73-72.
do		62	3	El Paso Natural Gas Co. (Caliche Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	(9)	2-12-73		8-17-73	33.27	34.3790	RI73-72.
do		63	3	El Paso Natural Gas Co. (Monument Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	(9)	2-12-73		8-17-73	30.51	31.5270	RI73-72.
do		64	4	El Paso Natural Gas Co. (Saunders Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	2,491	2-12-73		8-17-73	31.14	32.1780	RI73-72.
do		65	4	El Paso Natural Gas Co. (Eunice Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	2,031	2-12-73		8-17-73	31.74	32.7980	RI73-72.
do		66	4	El Paso Natural Gas Co. (Wadell Gas Processing Plant, Crane County, Tex.) (Permian Basin).	9,765	2-12-73		8-17-73	32.5285	33.6135	RI73-72.
RI73-231	Shell Oil Co.	168	10	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).		2-12-73	3-15-73	* Accepted			
RI73-282	Skelly Oil Co.	159	11	do	293,773	2-12-73		4-15-73	19.0713	21.0	RI73-116.
			10	West Texas Gathering Co. (Emperor (Deep) Field, Winkler County, Tex.) (Permian Basin).	387,196	2-8-73		8-11-73	* 21.0	* 28.0	RI73-193.
RI73-233	Atlantic Richfield Co.	329	2	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin).	1,830	2-9-73		4-12-73	16.48	17.5	



Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-234..	Walter E. Arbuckle.....	1	2	Colorado Interstate Gas Co. (Simpson Ridge Field, Carbon County, Wyo.).	1,825	2-9-73		4-12-73	\$18.0	\$16.0	
RI73-235..	Texaco, Inc.....	149	7	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	223,258	2-12-73		8-15-73	\$18.5531	\$23.8688	RI73-86.
RI73-236..	Signal Oil & Gas Co.....	8	6	Montana-Dakota Utilities Co. (Tioga Gasoline Plant, William County, N. Dak.).	36,936	2-13-73		8-16-73	22.929	\$24.15	RI73-154.

\* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

† Includes upward B.t.u. adjustment.

‡ No current deliveries.

§ Amends pricing provisions.

¶ Subject to B.t.u. adjustment.

§ Increase reflects increase in Bureau of Labor Statistics wholesale price index for all commodities.

¶ Accepted for filing to be effective on the date shown in the "Effective date" column.

† The pressure base is 15.025 p.s.i.a.

The proposed increases of Shell Oil Co., Atlantic Richfield Co. and Walter E. Arbuckle do not exceed the rate limit for a 1-day suspension and are suspended for 1 day.

The proposed increased rate of 24.15 cents per Mcf of Signal Oil and Gas Co. is for a sale of gas in North Dakota for which no formal increased rate ceiling has been established. Since the Commission has previously suspended lower rates in this area and the proposed rate exceeds the rate limit for a 1-day suspension period, Signal's proposed rate is suspended for 5 months.

All the remaining increases exceed the rate limit for a 1-day suspension, and are, therefore, suspended for 5 months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-5033 Filed 3-15-73;8:45 am]

#### NATIONAL GAS SURVEY; DISTRIBUTION— TECHNICAL ADVISORY TASK FORCE— FINANCE

##### Agenda and Notice for Meeting

Meeting to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, March 26, 1973, 9:30 a.m. Presiding: Mr. Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Mr. Gallagher.

2. Objectives and Purposes of Meeting—

A. Review and Discussion of Preliminary Draft Report—

1. Mr. Charles G. Freund—Task Force Director: (a) Historical Data and Analysis.

2. Mr. Walter Boris—Task Force Deputy Director: (a) Future Projections and Analysis; (b) Methodology and Assumptions; (c) Revenue Requirements.

B. Discussion of Member Comments on Draft Report.

C. Other Comments.

D. Estimated Date for Completion of Final Report.

E. Next Meeting Date.

3. Adjournment—Mr. Gallagher.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the

Task Force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5066 Filed 3-15-73;8:45 am]

[Docket No. E-8063]

#### EMPIRE DISTRICT ELECTRIC CO.

##### Notice of Filing of Letter of Agreement and Request for Waiver of Notice

MARCH 14, 1973.

Take notice that on March 2, 1973, the Empire District Electric Co. (Empire) filed with the Commission a letter of agreement between Empire and the Southwestern Power Administration (SPA), executed under the terms and provisions of a contract between Empire and SPA (FPC Rate Schedule No. 78, dated December 8, 1965).

The letter provides that SPA will furnish available hydroelectric energy in excess of its own requirements, and Empire will furnish an equivalent quantity at a later date to SPA, the quantity to be recorded in an "Energy Exchange Account" to be maintained by SPA. Empire will compensate SPA at the rate of \$0.005 per kilowatt-hour, under SPA Rate Schedule IC, for energy not returned.

The effective term of the letter is from March 1, 1973, to June 30, 1974. In order that the terms of the agreement may be complied with, Empire requests that the Commission waive its minimum 30-day notice requirement and accept the letter for filing effective March 1, 1973.

Any person desiring to be heard or to make any protest with regard to said application should on or before March 21, 1973, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5241 Filed 3-15-73;10:34 am]

[Docket No. RP73-8]

#### NORTH PENN GAS CO.

##### Notice of Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that North Penn Gas Co. (North Penn) on March 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the revised tariff sheets reflect an increase of 0.312 cents per Mcf in the presently effective rates. North Penn further states that the cost increase is occasioned by a tracking increase of 0.11 cents per Mcf filed December 29, 1972, by Tennessee Gas Pipeline Co. (Tennessee) to become effective March 1, 1973, and a tracking increase of 1.40 cents per Mcf filed February 12, 1973, by Transcontinental Gas Pipe Line Corp. (Transco).

North Penn also submitted for filing alternative proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, which reflects Transco's proposed alternative tracking increase of 1.70 cents per Mcf.

North Penn requests a waiver of the Commission's prior notice requirements to enable the tracking of Tennessee's increase to be effective as of March 1, 1973, and of Transco's increase to be effective as of April 1, 1973.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-



testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5240 Filed 3-15-73; 10:34 am]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### VISUAL ARTS ADVISORY PANEL

#### Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on March 19, 1973 in Washington, D.C.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call area code 202-382-2854.

P. P. BERMAN,  
Director of Administration, National  
Foundation on the Arts  
and the Humanities.

[FR Doc.73-5158 Filed 3-15-73; 8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-21]

### EARTH RESOURCES SURVEY TECHNOLOGY SATELLITE AND SKYLAB EARTH RESOURCES EXPERIMENT PACKAGE

#### Public Availability of Data

The results of experimental ERTS-1 and EREP investigations supported by NASA will be placed expeditiously in the public domain and will then be freely available for purchase by private and public parties, both foreign and domestic. This is intended to afford wide and impartial access to interim as well as final findings and thereby to accelerate the flow of program benefits to the public at large. At the same time, since these results may be preliminary and, in many cases, unproven, any social or economic implications suggested by the investigations must be viewed as tentative and not as official findings or positions of the U.S. Government.

To these ends, NASA will make available the interim and final results from its investigations to the National Technical Information Service and/or other Federal outlets, as appropriate, before

other publication or use is made thereof. In making such results available through an established Federal outlet, NASA assumes no responsibility for validation of the reported findings but is acting in the public interest to provide broad and equitable access to the potential values of the NASA experimental results.

To make this position clear to all users of these results, each interim or final ERTS-1 and EREP investigation report placed in the public domain will bear the following legend: "Made available under NASA sponsorship in the interest of early and wide dissemination of Earth Resources Survey information and without liability for any use made thereof."

GEORGE M. LOW,  
Deputy Administrator.

[FR Doc.73-5094 Filed 3-15-73; 8:45 am]

## SELECTIVE SERVICE SYSTEM REGISTRANTS PROCESSING MANUAL Temporary Instructions Regarding Registration and Random Selection Sequence

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:

[Temporary Instruction No. 613-4]

### REGISTRATION PROCEDURES

FEBRUARY 27, 1973.

The following procedures are effective upon receipt of this Temporary Instruction:

1. Only the original of the Registration Card (SSS Form 1) (Revised Oct. 1972) will be prepared when a person is being registered. The carbon paper and duplicate will be discarded. The completed original will be filed in the alphabetical locator file.

2. A Registrant File Folder (SSS Form 101) will be prepared for each registrant, including those registered since the issuance of Temporary Instruction 613-3, for whom a file folder was not prepared. Any duplicate SSS Forms 1 prepared in accordance with the provisions of Temporary Instruction 613-3 will be destroyed and the special file of SSS Forms 1, filed by selective service number, will not be maintained.

3. The preparation and submission of the List of Registrants (SSS Form 3) will not be required after the submission of the February 1973 report. The RIB output report, List of Registrations (LOR), will replace the SSS Form 3.

4. Any provisions of Procedural Directives which conflict with this temporary instruction are suspended.

5. Temporary Instruction No. 613-3, issued December 27, 1972, is rescinded.

6. This temporary instruction will terminate upon publication of revised Chapter 613, RPM, and revised Procedural Directives for SSS Forms 1, 3, and 101.

[Temporary Instruction No. 631-5]

FEBRUARY 27, 1973.

Rescission of Temporary Instructions Nos. 631-3 and 631-4 (Reference: § 1604.1(b), SSR)

1. Temporary Instruction No. 631-3, issued October 18, 1972, and Temporary Instruction No. 631-4, issued January 12, 1973, are re-

scinded because the instructions set forth in those two publications are no longer appropriate.

2. This temporary instruction will terminate upon implementation.

[Temporary Instruction Nos. 631-6, 621-1]

MARCH 6, 1973.

Assignment of Random Sequence Numbers and Establishment of Administrative Processing Number for Registrants Born in 1954 (Reference: §§ 1604.1(b), 1631.1, SSR)

1. The assignment of a Random Sequence Number (RSN) to each registrant will be accomplished by the Computer Service Center following the lottery drawing in Washington, D.C., on March 8, 1973. Following the drawing the Computer Service Center will furnish each local board a "Registrant RSN Report by SSN—Year of Birth 1954," which will be used to post the assigned RSN's to the Registrant File Folder (SSS Form 101) and Classification Record (SSS Form 102) for each registrant born in 1954. Verification and posting procedures will be in accordance with the RIB Report Guide for the "Registrant RSN Report by SSN." RSN's will not be posted to records until the RSN Report is received and verified.

2. RSN 095 is hereby established as the Administrative Processing Number (APN) for the 1954 year of birth group.

3. Local boards will limit the initial processing activities to those for registrants born in 1954 with RSN 020 or below. The highest RSN to be processed will be announced periodically by the Director.

This temporary instruction will be effective until it is amended or rescinded.

[Temporary Instruction Nos. 631-6, 621-1]

MARCH 6, 1973.

States of Colorado, Illinois, Pennsylvania, and New York City only

Since your State has been selected to test the proposed Registrant Processing Record (SSS Form 124) (Test), the following instructions are provided in conjunction with this test program:

1. Following competition of verification and posting procedures listed in paragraph 1 of Temporary Instruction 631-6—621-1, issued March 6, 1973, to which this is attached, no processing of registrants will commence until a supply of the SSS Form 124 (Test) and its procedural directive is received.

2. Upon receipt of labels for RSN 1-20, local boards will commence the test, utilizing the SSS Form 124 (Test) as the primary processing document in accordance with instructions contained in its procedural directive.

3. The Classification Record (SSS Form 102) will continue to be maintained in accordance with its procedural directive with respect to columns 1, 2, 3, and 5. No entries will be made on the SSS Form 102 in columns 4, 6, 7, or 8. Column 9 will be utilized only for the following entries:

- Identification of medical specialist.
- Transfer for classification.
- Canceled registration.

d. Destruction of the Registrant File Folder (SSS Form 101).

[Temporary Instruction No. 631-7]

MARCH 8, 1973.

1974 Random Selection Sequence

(Reference: § 1631.1, SSR)

Attached to this Temporary Instruction are Tables Nos. 631-11 and 631-12, showing



the results of the lottery drawing conducted in Washington, D.C., on March 8, 1973, to establish the 1974 Random Selection Sequence. Each RPM holder will insert these tables in his or her copy of the RPM, following Table No. 631-10 (Chapter 631).

This temporary instruction will terminate when the above action has been taken.

BYRON V. PEPITONE,  
Acting Director.

MARCH 9, 1973.

1974 RANDOM SEQUENCE LOTTERY DRAWING CALENDAR

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
1	198	233	067	209	361	187	144	062	068	632	165	044	1
2	250	054	347	085	211	297	359	235	077	325	057	039	2
3	120	133	193	261	017	063	293	082	028	105	284	025	3
4	093	150	174	005	278	095	207	286	252	146	037	118	4
5	327	283	024	145	201	319	022	002	349	121	111	332	5
6	041	199	217	363	155	127	015	012	113	147	346	030	6
7	230	047	269	210	183	159	242	237	168	175	123	008	7
8	034	291	196	266	089	179	090	035	257	148	107	038	8
9	176	103	289	114	139	194	212	020	094	245	356	362	9
10	248	305	075	069	260	130	171	357	307	308	026	011	10
11	202	219	255	106	348	345	073	006	288	241	279	156	11
12	272	190	125	229	355	137	247	188	271	267	142	108	12
13	185	031	274	246	131	312	072	151	110	100	300	128	13
14	302	224	275	029	081	256	324	112	200	045	143	301	14
15	182	067	180	100	295	287	227	326	268	157	222	040	15
16	158	186	281	221	163	334	042	350	352	066	276	204	16
17	296	270	129	322	070	342	061	161	320	051	303	360	17
18	117	080	192	351	223	333	344	050	099	119	304	092	18
19	315	339	197	153	046	087	336	101	055	365	027	364	19
20	280	213	330	122	104	262	285	298	141	294	056	292	20
21	136	178	013	098	311	231	138	282	135	167	313	249	21
22	225	329	173	331	132	232	116	048	240	126	083	317	22
23	263	102	018	115	253	340	084	109	234	076	341	258	23
24	299	091	236	170	184	214	016	206	216	369	218	191	24
25	023	064	280	162	014	220	068	358	306	004	074	328	25
26	096	335	203	244	265	033	316	079	088	009	058	049	26
27	205	149	124	215	337	001	195	080	166	239	134	254	27
28	323	151	010	177	318	071	152	268	354	189	060	338	28
29	067	-----	003	172	321	228	228	251	065	052	343	043	29
30	353	-----	021	264	243	059	154	310	314	053	160	226	30
31	259	-----	273	-----	019	-----	078	140	-----	277	-----	164	31

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001...	June 27	049...	Dec. 26	097...	Feb. 15
002...	Aug. 5	050...	Aug. 18	098...	Apr. 21
003...	Mar. 29	051...	Oct. 17	099...	Sept. 18
004...	Oct. 25	052...	Oct. 29	100...	Apr. 15
005...	Apr. 4	053...	Oct. 30	101...	Aug. 19
006...	Aug. 11	054...	Feb. 2	102...	Feb. 23
007...	Jan. 29	055...	Sept. 19	103...	Feb. 9
008...	Dec. 7	056...	Nov. 20	104...	May 20
009...	Oct. 26	057...	Nov. 2	105...	Oct. 3
010...	Mar. 28	058...	Nov. 26	106...	Apr. 11
011...	Dec. 10	059...	June 30	107...	Nov. 8
012...	Aug. 6	060...	Nov. 28	108...	Dec. 12
013...	Mar. 21	061...	July 17	109...	Oct. 13
014...	May 25	062...	Aug. 1	110...	Sept. 13
015...	July 6	063...	June 3	111...	Nov. 5
016...	July 24	064...	Feb. 25	112...	Aug. 14
017...	May 3	065...	Sept. 29	113...	Sept. 6
018...	Mar. 23	066...	Oct. 16	114...	Apr. 9
019...	May 31	067...	Mar. 1	115...	Apr. 23
020...	Aug. 9	068...	Sept. 1	116...	July 22
021...	Mar. 30	069...	Apr. 10	117...	Jan. 18
022...	July 5	070...	May 17	118...	Dec. 4
023...	Jan. 25	071...	June 28	119...	Oct. 18
024...	Mar. 5	072...	July 13	120...	Jan. 3
025...	Dec. 3	073...	July 11	121...	Oct. 5
026...	Nov. 10	074...	Nov. 25	122...	Apr. 20
027...	Nov. 19	075...	Mar. 10	123...	Nov. 7
028...	Sept. 3	076...	Oct. 23	124...	Mar. 27
029...	Apr. 14	077...	Sept. 2	125...	Mar. 12
030...	Dec. 6	078...	July 31	126...	Oct. 22
031...	Feb. 13	079...	Aug. 26	127...	June 6
032...	Oct. 1	080...	Feb. 18	128...	Dec. 13
033...	June 26	081...	May 14	129...	Mar. 17
034...	Jan. 8	082...	Aug. 3	130...	June 10
035...	Aug. 8	083...	Nov. 22	131...	May 13
036...	Jan. 26	084...	July 23	132...	May 22
037...	Nov. 4	085...	Apr. 2	133...	Feb. 3
038...	Dec. 8	086...	Aug. 27	134...	Nov. 27
039...	Dec. 2	087...	June 19	135...	Sept. 21
040...	Dec. 15	088...	Sept. 26	136...	Jan. 21
041...	Jan. 6	089...	May 8	137...	June 12
042...	July 16	090...	July 8	138...	July 21
043...	Dec. 29	091...	Feb. 24	139...	May 9
044...	Dec. 1	092...	Dec. 18	140...	Aug. 31
045...	Oct. 14	093...	Jan. 4	141...	Sept. 20
046...	May 19	094...	Sept. 9	142...	Nov. 12
047...	Feb. 7	095...	June 4	143...	Nov. 14
048...	Aug. 22	096...	July 25	144...	July 1

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER—Continued

145...	Apr. 5	193...	Mar. 3	241...	Oct. 11
146...	Oct. 4	194...	June 9	242...	July 7
147...	Oct. 6	195...	July 27	243...	May 30
148...	Oct. 8	196...	Mar. 8	244...	Apr. 26
149...	Feb. 27	197...	Mar. 19	245...	Oct. 9
150...	Feb. 4	198...	Jan. 1	246...	Apr. 13
151...	Feb. 28	199...	Feb. 6	247...	July 12
152...	July 28	200...	Sept. 14	248...	Jan. 10
153...	Apr. 19	201...	May 5	249...	Dec. 21
154...	July 30	202...	Jan. 11	250...	Jan. 2
155...	May 6	203...	Mar. 26	251...	Aug. 29
156...	Dec. 11	204...	Dec. 16	252...	Sept. 4
157...	Oct. 15	205...	Jan. 27	253...	May 23
158...	Jan. 16	206...	Aug. 24	254...	Dec. 27
159...	June 7	207...	July 4	255...	Mar. 11
160...	Nov. 30	208...	Aug. 28	256...	June 14
161...	Aug. 17	209...	Apr. 1	257...	Sept. 8
162...	Apr. 25	210...	Apr. 7	258...	Dec. 23
163...	May 16	211...	May 2	259...	Jan. 31
164...	Dec. 31	212...	July 9	260...	Mar. 25
165...	Nov. 1	213...	Feb. 20	261...	Apr. 3
166...	Sept. 27	214...	June 24	262...	June 20
167...	Oct. 21	215...	Apr. 27	263...	Jan. 23
168...	Sept. 7	216...	Sept. 24	264...	Apr. 30
169...	Aug. 23	217...	Mar. 6	265...	May 26
170...	Apr. 24	218...	Nov. 24	266...	Apr. 8
171...	July 10	219...	Feb. 11	267...	Oct. 12
172...	Apr. 29	220...	June 25	268...	Sept. 15
173...	Mar. 22	221...	Apr. 16	269...	Mar. 7
174...	Mar. 4	222...	Nov. 15	270...	Feb. 17
175...	Oct. 7	223...	May 18	271...	Sept. 12
176...	Jan. 9	224...	Feb. 14	272...	Jan. 12
177...	Apr. 28	225...	Jan. 22	273...	Mar. 31
178...	Feb. 21	226...	Dec. 30	274...	Mar. 13
179...	June 8	227...	July 15	275...	Mar. 14
180...	Mar. 15	228...	June 29	276...	Nov. 16
181...	Aug. 13	229...	Apr. 12	277...	Oct. 31
182...	Jan. 15	230...	Jan. 7	278...	May 4
183...	May 7	231...	June 21	279...	Nov. 11
184...	May 24	232...	June 22	280...	Jan. 20
185...	Jan. 13	233...	Feb. 1	281...	Mar. 16
186...	Feb. 16	234...	Sept. 23	282...	Aug. 21
187...	June 1	235...	Aug. 2	283...	Feb. 5
188...	Aug. 12	236...	Mar. 24	284...	Nov. 3
189...	Oct. 28	237...	Mar. 7	285...	July 20
190...	Feb. 12	238...	July 29	286...	Aug. 4
191...	Dec. 24	239...	Oct. 27	287...	June 15
192...	Mar. 18	240...	Sept. 22	288...	Sept. 11

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER—Continued

289...	Mar. 9	315...	Jan. 19	341...	Nov. 23
290...	May 10	316...	July 26	342...	June 17
291...	Feb. 8	317...	Dec. 22	343...	Nov. 29
292...	Dec. 20	318...	May 28	344...	July 18
293...	July 3	319...	June 5	345...	June 11
294...	Oct. 20	320...	Sept. 17	346...	Nov. 6
295...	May 15	321...	May 29	347...	Mar. 2
296...	Jan. 17	322...	Apr. 17	348...	Mar. 11
297...	June 2	323...	Jan. 28	349...	Sept. 5
298...	Aug. 20	324...	July 14	350...	Aug. 16
299...	Jan. 24	325...	Oct. 2	351...	Apr. 18
300...	Nov. 13	326...	Aug. 15	352...	Sept. 16
301...	Dec. 14	327...	Jan. 5	353...	Jan. 30
302...	Jan. 14	328...	Dec. 25	354...	Sept. 28
303...	Nov. 17	329...	Feb. 22	355...	May 12
304...	Nov. 18	330...	Mar. 20	356...	Nov. 9
305...	Feb. 10	331...	Apr. 22	357...	Aug. 10
306...	Sept. 25	332...	Dec. 5	358...	Aug. 25
307...	Sept. 10	333...	June 18	359...	July 2
308...	Oct. 10	334...	June 16	360...	Dec. 17
309...	Oct. 34	335...	Feb. 26	361...	May 1
310...	Aug. 20	336...	July 19	362...	Dec. 9
311...	May 21	337...	May 27	363...	Apr. 6
312...	June 13	338...	Dec. 28	364...	Dec. 19
313...	Nov. 21	339...	Feb. 19	365...	Oct. 19
314...	Sept. 30	340...	June 23	366...	Oct. 19

Table No. 631-12

[FR Doc. 73-5018 Filed 3-15-73; 8:45 am]

TARIFF COMMISSION

[337-30]

CERTAIN WRITING INSTRUMENTS AND NIBS THEREFOR

Resumption of Hearing

Notice is hereby given that on April 9, 1973, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-30, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain writing instruments which are embraced within the claims of U.S. Patent No. 3,338,216, and nibs for such writing instruments which contribute to the practice of the claims of said patent.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation was published in the FEDERAL REGISTER of September 21, 1972 (37 FR 19675). A public hearing was held on March 6, 7, and 8, 1973 (notice of which was published in the FEDERAL REGISTER of January 9, 1973 (38 FR 1160)), and a recess was ordered.

The hearing will be resumed on April 9, 1973, at 10 a.m., e.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than Wednesday noon, April 4, 1973. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing



resumes. Final briefs are due April 23, 1973.

Issued: March 13, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 73-5103 Filed 3-15-73; 8:45 am]

[AA1921-112]

## **COLLAPSIBLE BABY STROLLERS FROM JAPAN**

### **Determination of No Injury or Likelihood Thereof**

MARCH 12, 1973.

The Treasury Department advised the Tariff Commission on December 12, 1972, that collapsible baby strollers, designed as folding strollers to be carried on the arm when not in use, from Japan are being, or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-112 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.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of December 20, 1972 (37 FR 28096). Notice of the rescheduling of the hearing date was published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4294). A public hearing was held on February 22, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined<sup>1</sup> that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of collapsible baby strollers, designed as folding strollers to be carried on the arm when not in use, from Japan, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

#### **STATEMENT OF REASONS**

The Japanese collapsible baby stroller found by the Treasury Department as being, or likely to be, sold at less than fair value (LTFV) was of a novel construction; it was lightweight and was designed to fold in a manner that permitted it to be carried on the arm like an umbrella when not in use. It was manufactured in Japan under a patent owned

by O. P. MacLaren of Barby, England. The importation of such strollers from Japan began in July 1970 and terminated in November 1972. No collapsible lightweight strollers of essentially the same design as the Japanese stroller sold at LTFV were made in the United States until March 1971, when Cross River Products, Inc.—the complainant in this investigation—began the manufacture of such strollers. Throughout its brief period of importation the Japanese LTFV stroller was sold in the United States at wholesale from \$18 to \$19 each, while Cross River's stroller sold from \$12.75 to \$13.75 each, or from 33 percent to 24 percent below the price of the LTFV stroller. Thus, in the instant case three relatively rare facts in a dumping investigation were evident: (1) The imports found to be sold at LTFV were in the U.S. market first, (2) there was no margin of underselling by LTFV imports, and (3) notwithstanding the lower price of the Cross River stroller and the competition experienced therefrom by the Japanese product, the price of the Japanese stroller was not reduced.

Other relevant facts bearing on the Commission's negative determination are the minimal penetration of the U.S. market by the LTFV imports, the success with which the complainant established itself in the market, and the termination of LTFV imports.

The Japanese strollers sold at LTFV consisted of a single model. During the brief period of their importation, from July 1970 to November 1972, they entered at the rate of a few thousand units a year. The estimated production of baby strollers of all types in the United States was 1.4 million units in 1970 and 1.6 million in 1972. In relation to those quantities, the imports were negligible. Moreover, the United States is a net exporter of baby strollers and was so in 1972, even of the particular type of stroller from Japan sold at LTFV.

Sales of the Cross River stroller from their start (March 1971) dwarfed those of the Japanese stroller. Moreover, unlike those of the Japanese stroller, such sales by Cross River multiplied. Compared with 20,000 to 30,000 units sold by Cross River in 1971, sales by the firm reached more than 120,000 units in 1972 and rapidly outdistanced sales of the Japanese stroller, even in the New York City area, to which sales of the latter were largely confined. The imports dwindled in 1972. They have now ceased, and license to the patent under which they were supplied has been reassigned to a U.S. manufacturer of juvenile furnishings. Indeed, any future competition to Cross River's stroller business is likely to come from this U.S. manufacturer as well as from other domestic producers, one of which is currently marketing a lightweight folding stroller similar to that produced by Cross River.

In any case, it is clear that even if Cross River were considered to constitute an industry apart from the manufacturers of all types of strollers within the meaning of the Antidumping Act, it has not been prevented from being estab-

lished or injured, nor is it likely to be injured. On the contrary, it has been singularly successful in the face of imports from Japan sold at LTFV, which it undersold and outsold by significant margins. The rapid emergence of the Cross River stroller was not achieved without cost. The cost, however, was that of gaining establishment and recognition and not that of confronting imports, which were trivial.

In summary, the small volume of imports at LTFV had no impact on the industry producing all types of baby strollers. Even if the sole U.S. producer of essentially the same kind of baby stroller were considered to constitute an industry, an affirmative determination would not be warranted, because (1) imports prior to Cross River's entry into the market clearly caused no injury, (2) Cross River's entry into the market proved quite successful (in fact, it undersold the imported article—whose price was not adjusted downward—by a significant margin), and (3) the performance of LTFV imports subsequent to Cross River's entry into the market, and their termination, makes the possibility of present or future injury from them an unlikely proposition.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 73-5055 Filed 3-15-73; 8:45 am]

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

[V-73-12]

#### **BETHLEHEM STEEL CORP.**

#### **Notice of Application for Variance and Interim Order; Grant of Interim Order**

I. *Notice of Application.* Notice is hereby given that Bethlehem Steel Corp., Sparrows Point Plant, Sparrows Point, Md. 21219, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and for an interim order pending a decision on the application for a temporary variance, from the requirements of 29 CFR 1910.23(a)(8)(i) and (ii).

The address of the place of employment affected by the application is Bethlehem Steel Corp., Sparrows Point Plant, Sparrows Point, Md. 21219.

The applicant certifies that the employees who would be affected by the variance have been notified of the application by sending a copy of the application to their union safety committee chairman and by posting copies at all places where notices to employees are normally posted. Employees have also been informed of their right to petition for a hearing.

Section 1910.23(a)(8)(i) and (ii), from which a temporary variance is sought, requires that every floor hole into which persons can accidentally walk shall be guarded by either a standard railing with

<sup>1</sup> Commissioner Young did not participate in the decision.



standard toeboard on all exposed sides, or a floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole is required to be constantly attended by someone or protected by a removable standard railing.

The applicant contends that it is unable to comply with this standard at its No. 3 Rod Mill. There, heavy-duty steel wire is manufactured by a compress and tie mandrel in-line method which necessitates an opening in the floor, approximately  $2\frac{1}{2}' \times 6'$ . The applicant states that the required guardrails have not been installed at the floor opening because the coiled rods could become entangled upon them. Spring-loaded floor covers have been discussed, but due to the likelihood of coil tangles, broken straps, etc., the applicant argues, their use would not be practical.

The application sets forth the precautions taken to protect employees. Chain guardrails and a pipe rail and toeboards are used; unauthorized personnel are not permitted in the area; and extensive safety programs and inspections are in effect. Further, applicant contends that compliance with the standard will be achieved by the third quarter of 1973 by changing to an off-line compress and tie operation.

For further information, interested persons are referred to a copy of the application which will be made available for inspection and copying, upon request, at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, DC 20210, and at the following Regional and area office, Room 623 and suite 623 respectively at U.S. Department of Labor, Occupational Safety and Health Administration, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance, are invited to submit written data, views, and arguments regarding the application no later than April 17, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance no later than April 17, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards at the above address.

**II. Interim Order.** From the application for a temporary variance and interim order and supporting data filed by Bethlehem Steel Corp., it appears probable that a temporary variance will be necessary to allow sufficient time for the applicant to effect its program for coming into compliance with the standard. Therefore, in order to avoid undue hardships pending the consideration of the application, it is ordered, pursuant to authority in section 6(b)(6)(A) of the

Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c), that Bethlehem Steel Corp. be, and it is hereby, authorized to continue using the means and methods of guarding the floor opening described in the application at its No. 3 Rod Mill, Sparrows Point Plant, Sparrows Point, Md. 21219 in lieu of complying with 29 CFR 1910.23(a)(8)(i) and (ii). The applicant shall give notice to affected employees of the terms of this interim order by the same means required to inform them of its application for a temporary variance.

**Effective date.** This interim order shall be effective as of March 16, 1973, and shall remain in effect until a decision is rendered on the application for a temporary variance.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,  
Acting Assistant  
Secretary of Labor.

[FR Doc.73-5084 Filed 3-15-73; 8:45 am]

[V-73-11]

#### CHEMICO METALS CORP.

#### Notice of Application for Variance and Interim Order; Grant of Interim Order

**I. Notice of Application.** Notice is hereby given that Chemico Metals Corp., Post Office Box 187, Alton, IL 62002, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the requirement of 29 CFR 1910.23(c)(3), which states:

Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

The address of employment affected by this application is Chemico Metals Plant, Illinois Route 3, Oldenburg Road, Madison County, Ill. Applicant certifies that the employees who would be affected by the variance have been notified of the application by delivery of a copy to Robert F. Means, International Representative of the United Steelworkers of America, and by posting of summaries of the application on bulletin boards at the plant entrance, employees' locker room, and in the tankhouse. Employees have received notice, through the above means, of their right to petition for a hearing.

The applicant's operations involve the production of pure copper through the process of electrolytic refining. In the course of this process, employees normally stand and walk on anodes and cathodes suspended in concrete tanks (cells) containing an electrolytic solution. For a period of approximately 3 hours once every 28 days, a cell will be

empty of anodes and cathodes, and would thus be subject to the requirements of 29 CFR 1910.23(c)(3). Rather than using the standard railings and toeboards as prescribed by these requirements, the applicant places red flags on standard safety cones around the areas where empty cells are located, so that they are visible from any point in the cell room. Additionally, tripod mounted signs reading "Danger—Open Cells" are placed in the only passageways leading to the cell room. The applicant points out that the tankhouse is isolated from the remainder of its facilities, that access to the cell-room can be gained only via two stairways marked "Authorized Personnel Only" and that only two to four employees work in the entire area where the cells are located. Applicant argues that these factors afford the employees a degree of safety equal to or greater than that which would be afforded with the required guardrails and toeboards.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying, upon request, at the following offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210; and  
U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1200, Chicago, IL 60606.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance, are invited to submit written data, views, and arguments regarding the application before April 14, 1973. In addition, employers and employees who believe they would be affected by the grant or denial of the variance may request a hearing on the application before April 14, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate and shall be addressed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210.

**II. Interim order.** It appears from the application for a variance and interim order, and supporting data, filed by Chemico Metals Corp., that the open cell safeguards presently utilized in its tankhouse provide to the few employees affected employment and places of employment as safe as those which would prevail if the applicant were to make the changes necessary in order to comply with 29 CFR 1910.23(c)(3). It further appears that an interim order is necessary to prevent interruption of operations of the applicant and hardships to both the applicant and the affected employees.

Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), that Chemico Metals Corp. be, and it is hereby, authorized to utilize the means of guarding open cells in its



tankhouse as described above, in lieu of complying with 29 CFR 1910.23(c)(3): *Provided*, That these methods be used only for periods of about 3 hours for about once every 28 days for any given cell.

Applicant shall give notice to affected employees of the terms of this interim order by the same means used to inform them of the application for a variance.

**Effective date.** This interim order shall be effective as of March 15, 1973, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,  
Acting Assistant Secretary of Labor.

[FR Doc.73-5086 Filed 3-15-73; 8:45 am]

#### NEVADA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and Description of Plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that a developmental occupational safety and health plan for the State of Nevada has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of its approval is now in issue before him.

The plan designates the Department of Industrial Safety, Nevada Industrial Commission, as the agency responsible for administering the plan throughout the State.

The plan includes proposed enabling legislation to be considered by the Nevada Legislature during its 1973 session to bring the plan into conformity with the requirements of Part 1902. Under the proposed legislation, the Department of Industrial Safety becomes the Department of Occupational Safety and Health. It will have the statutory authority to implement the State occupational safety and health plan. The Department shall have full power, jurisdiction and authority over all places of employment except for those that are subject to the jurisdiction of: (1) the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801), and the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 271 et seq.); (2) the State Inspector of Mines under the provisions of chapter 518, Nevada Revised Statutes; (3) or any Federal Agency. Also excluded from the program will be (1) railroad employees whose safety and health are subject to protection under the Federal Safety Appliance Act (45 U.S.C. 1, et seq.) or the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.); (2) motor vehicles operating on public highways of the

State; and (3) certain casual and domestic employments.

There are provisions within the proposed legislation granting the State agency authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees who exercise rights under the program from discharge or discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations, and a system of penalties.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the Attorney General that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. There are set forth in the plan index, timetable projections for all developmental aspects of the plan. The plan contains comprehensive information on personnel to be employed directly; on agreements with other State agencies; and on the proposed budget and resources.

2. *Location of Plan for Inspection and Copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102; and the Director, Department of Industrial Safety, Nevada Industrial Commission, 515 East Musser Street, Carson City, NV 89701.

3. *Public Participation.* Interested persons are hereby given until April 16, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof by filing particularized written objections thereto within the time allowed for comments specified above. If the Assistant Secretary finds

that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue a decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,  
Acting Assistant  
Secretary of Labor.

[FR Doc.73-5086 Filed 3-15-73; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice 199]

#### ASSIGNMENT OF HEARINGS

MARCH 13, 1973.

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 113861 Sub 51, Wooten Transports, Inc., extension Memphis, Tenn., now assigned April 2, 1973, MC 20783 Sub 88, Tompkins Motor Lines, Inc., now assigned April 4, 1973, MC 3062 Sub 33, L. A. Tucker Truck Lines, Inc., now assigned April 9, 1973, will be held in the Tax Court Room 1027, Federal Building, 167 North Main Street, Memphis, TN.

MCC-7972, Deerfleet Lines, Inc.—Investigation and revocation of certificate—now assigned April 10, 1973, will be held on the Fifth Floor, 150 Causeway, Boston, MA.

MC 107912 Sub 17, Rebel Motor Freight, Inc., now assigned April 16, 1973, will be held in Room 508, U.S. Post Office and Court-House Building, Capitol and West Street, Jackson, Miss.

AB 5 Sub 108, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Lykens Valley Junction Secondary Track between Millersburg and Elizabethtown, Dauphin County, Pa., now assigned April 2, 1973, will be held in the Burrough Council Room, Community Building, Millersburg, Pa.

MC-123048 (Sub-No. 238), Diamond Transportation System, Inc., now assigned April 30, 1973, will be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC-C-7912, Nashville Traffic Service, Inc., investigation of operations, now assigned May 3, 1973, will be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC-128404 Sub 6, Blackwood Crane & Truck Service, Inc., now assigned May 1, 1973, will



be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC 136903, Intermodal Transport, Inc., now assigned April 5, 1973 at Atlanta, Ga., is canceled and the application is dismissed.

MC 111383 Sub 33, Braswell Motor Freight Lines, Inc., now assigned March 19, 1973, at Atlanta, Ga., is canceled and application dismissed.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Co., abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now assigned March 26, 1973, at Montrose, Ohio, postponed indefinitely.

MC 96925 Sub 4, Jacksonville Transfer & Storage, Inc., now assigned March 26, 1973, at Tallahassee, Fla., is postponed indefinitely.

MC-F-11487, Auclair Transportation, Inc.—control and merger—Paul V. Adams Trucking, Inc., and MC 9429 Sub 6, Paul V. Adams Trucking, Inc., MC-F-11552, Auclair Transportation, Inc.—purchase (portion)—Bonded Trucking & Rigging, Inc., and FD 27182, Auclair Transportation, Inc., Notes, now assigned March 26, 1973, at Boston, Mass., postponed indefinitely.

MC 136499 Sub 1, Samuel D. Summers contract carrier application, now assigned April 3, 1973, at Charleston, W. Va., is canceled and reassigned to April 3, 1973, in Room 228, Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH.

AB-11, Chicago & Eastern Illinois Railroad Co., abandonment between Joppa Junction and Payville Junction, Johnson, Pulaski and Alexander Counties, Ill., AB-11 Sub-1, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Payville Junction and Thebes Junction, Alexander County, Ill., AB-11 Sub-2, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Rockview and Chaffee, Scott County, Mo., now assigned April 26, 1973, will be held in Court Room County Courthouse, 20th and Washington Street, Cairo, Ill.

MC 71459 Sub 30, O. N. C. Freight Systems, now assigned April 10, 1973, at Salt Lake City, Utah, is postponed indefinitely.

MC 30032 Sub 3, Houdek Motor Service, Inc., now assigned April 2, 1973, at Chicago, Ill., will be held in Room 1923, Illinois State Building, 160 North La Salle Street.

MC-C-7924, Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line et al. v. Englewood Transit Co., now assigned April 4, 1973, at Denver, Colo., will be held in Room 15036, Federal Building, 1961 Stout Street.

MC-F-11664, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—investigation of control—Mississippi Freight Lines, Inc., MC-F-11703, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—investigation of control—Reese Truck Line, Inc., MC-F-11750, Mississippi Freight Lines, Inc., a Tennessee corporation—purchase—Mississippi Freight Lines, Inc., a Mississippi corporation, now assigned April 2, 1973, at Jackson, Miss., is postponed to April 23, 1973, at Jackson, Miss., in a hearing room to be later designated.

MC-F-11774, Merchants Truck Lines, Inc.—control—Mississippi Freight Lines, Inc., MC 121427 Sub 8, Mississippi Freight Lines, Inc., and MC 138416, Mississippi Freight Lines, Inc., now being assigned hearing April 23, 1973 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

MC 136069 Sub 1, Coin Devices Corp., contract carrier application, now being as-

signed hearing April 23, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-7284, B&H Transfer, Inc., revocation of certificate, now being assigned hearing April 25, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 130184, Splendid Tours Corp., now being assigned hearing April 26, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-11636, Briggs Transportation Co.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC-F-11694, All-American Transport, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, and MC-F-11703, Illinois California Express, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, now assigned April 23, 1973, at Kansas City, Mo., will be held in Room 668, New Federal Building, 601 East 12th Street, on April 30, 1973, Room 304, Old Federal Building, 911 Walnut Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-5110 Filed 3-15-73;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

MARCH 13, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42642—Carbolic acid (phenol) from Haverhill, Ohio.

Filed by Southwestern Freight Bureau, agent (No. B-398), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from Haverhill, Ohio, to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—water competition. Tariff—Supplement 239 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on April 9, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-5109 Filed 3-15-73;8:45 am]

[Notice 233]

#### 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 reg-

ulations 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 on or before April 4, 1973. 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-74112. By order entered February 23, 1973, the Motor Carrier Board approved the transfer to Gene Webber, doing business as AAA Movers, Norwood, Ohio, of that portion of the operating rights set forth in certificate No. MC-76429, issued by the Commission July 29, 1958, as corrected October 24, 1958, to William A. Stewart, doing business as Stewart Truck Line, Dry Ridge, Tenn., authorizing the transportation of household goods, between Bellevue, Bromley, Canton Hills, Covington, Dayton, Erlanger, Florence, Fort Mitchell, Independence, Ludlow, Newport, and Park Hills, Ky., on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, and West Virginia. Rudy Yessin, Post Office Box B, Frankfort, KY 40601, attorney for applicant.

No. MC-FC-74213. By order of February 21, 1973, the Motor Carrier Board approved the transfer to Steve F. Bure, doing business as Iberia Express, Iberia, Mo., of a portion of the operating rights in certificate No. MC-124671 (Sub-No. 2) issued August 4, 1965, to John Kleffner, doing business as Iberia Transfer Co., Iberia, Mo., authorizing the transportation of general commodities, with certain exceptions, between Iberia, Mo., and Springfield, Mo. Herman W. Huber, 101 East High Street, Jefferson City, MO 65101, attorney for applicant.

No. MC-FC-74242. By order entered February 21, 1973, the Motor Carrier Board approved the transfer to Liberty Movers, Inc., Leicester, Mass., of the operating rights set forth in certificate of registration No. MC-85505 (Sub-No. 1), issued August 26, 1964, to Earl P. Fontaine, doing business as Liberty Movers, Leicester, Mass., evidencing a right to engage in operations in interstate or foreign commerce, in the transportation of meat products, groceries, beverages, empty bottles, paper cartons, beer barrels and kegs, coolers, packinghouse products, cases of automobile oil, shoes, rubbers and shoe findings, machinery, wire, wire goods, iron and steel articles, within a radius of 60 miles of City Hall in Worcester, Mass.; wool, wool waste, furniture, pianos, carnival property any-



where in the Commonwealth of Massachusetts; and general commodities within a 10-mile radius of City Hall, Worcester, Mass. Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613, attorney for applicants.

No. MC-FC-74245. By order entered February 21, 1973, the Motor Carrier Board approved the transfer to Arvin Chavis, Baltimore, Md., of the operating rights set forth in permit No. MC-88267, issued February 6, 1940, to Irving Dalley, Baltimore, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business between points in a described area in Delaware, Maryland, Pennsylvania, and Virginia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-74255. By order of February 21, 1973, the Motor Carrier Board approved the transfer to S. W. Burns and Terrence W. Burns, a partnership, doing business as Burns and Son Trucking, Springfield, Ga., of the operating rights in certificate No. MC-26088 (Sub-No. 15) issued January 24, 1969 to The Sanders Truck Transportation Co., Inc., Augusta, Ga., authorizing the transportation of dry fertilizer from Clio, Ga. to points in South Carolina. William Addams, 5299

Roswell Road NE., Atlanta, GA 30342, attorney for applicants.

No. MC-FC-74259. By order of February 23, 1973, the Motor Carrier Board approved the transfer to Pick's Pack Hauler, Inc., doing business as Pick's Pack Hauler, Hastings, Nebr., of permits Nos. MC-117639 (Subs Nos. 1, 3, and 4), issued February 8, 1965, August 10, 1966, May 6, 1970, respectively, to Jack S. Ochsner, doing business as Pick's Pack Hauler, Hastings, Nebr., authorizing the transportation of blocks, brick, tile, and clay products, from and to points in Kansas, Nebraska, Colorado, Iowa, Missouri, South Dakota, and Wyoming. Frederick J. Coffman, 521 South 14th Street, Lincoln, NE 68501, applicants' attorney.

No. MC-FC-74276. By order of February 26, 1973, the Motor Carrier Board approved the transfer to Holiday Bus, Inc., New York, N.Y., of certificate No. MC-877 issued to Long Island Bus Co., Inc., Farmingdale, N.Y., authorizing the transportation of: Passengers and their baggage in charter operations, between New York, N.Y., and points in Sullivan County, N.Y., to points in New Jersey, Pennsylvania, Connecticut, Maryland, Ohio, Michigan, Indiana, Illinois, Missouri, and the District of Columbia. Sidney J. Leshin, attorney, 501 Madison Avenue, New York, NY, Robert E. Gold-

stein, attorney, 8 West 40th Street, New York, NY.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-5111 Filed 3-15-73;8:45 am]

[Notice 234]

# MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74262. By application filed March 9, 1973, CHIZEK ELEVATOR & TRANSPORT, INC., Post Office Box 147, Cleveland, WI 53015, seeks temporary authority to lease the operating rights of KEN McCARVILLE DISTRIBUTING CO., INC., 436 Rainbow Road, Spring Green, WI 53588, under section 210a(b). The transfer to CHIZEK ELEVATOR & TRANSPORT, INC., of the operating rights of KEN McCARVILLE DISTRIBUTING CO., INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-5112 Filed 3-15-73;8:45 am]



## CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

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# Federal register

FRIDAY, MARCH 16, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 51

PART II



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## 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 CONSTRUCTIONArea Wage Determination Decisions, Mod-  
ification, and Supersedes 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 FR 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 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 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 mod-

ifications 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 SUPERSEDES DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modifications and Supersedes 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 Supersedes 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 FR 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 FR 21138), and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 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 Supersedes 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 Stand-

ards, Division of Wage Determination, 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

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Florida:		
AP-121	-----	Nov. 25, 1972.
AP-122	-----	Oct. 6, 1972.
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AP-623; AP-624; AP-625;		
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AP-629; AP-630; AP-631;		
AP-632; AP-633; AP-634;		
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Mississippi:		
AP-158; AP-159	-----	Feb. 16, 1973.
Montana:		
AP-237; AP-238; AP-239;		Sept. 22, 1972.
AP-240; AP-241.		
New Mexico:		
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North Carolina:		
AP-161	-----	Mar. 2, 1973.
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Pennsylvania:		
AP-422; AP-425	-----	Sept. 29, 1972.
AP-454	-----	Jan. 5, 1973.
AP-464; AP-465; AP-466;		Jan. 26, 1973.
AP-467.		
AP-479; AP-480	-----	Mar. 2, 1973.
Texas:		
AP-390; AP-394	-----	Jan. 26, 1973.

Supersedes Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedes Decision numbers are in parentheses following the number of the decision being superseded):

Connecticut:		
AP-472(AP-446); AP-473		Nov. 25, 1972.
(AP-447).		
AP-474(AP-436)	-----	Oct. 13, 1972.
AP-475(AP-449); AP-476		Nov. 25, 1972.
(AP-448).		
Nevada:		
AP-260(AM-6,198)	-----	Nov. 19, 1971.
Rhode Island:		
AP-484(AP-428)	-----	Sept. 29, 1972.

Signed at Washington, D.C., this 9th day of March 1973.

WARREN D. LANDIS,  
Assistant Administrator,  
Wage and Hour Division.



## MODIFICATIONS P. 2

DECISION #AP-121 - Mod. #1 (37 FR 25104 - November 25, 1972) Alachua County, Florida	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments					Basic Hourly Rates			
	H & V	Pensions	Vacation	App. Tr.	Others		H & V	Pensions	Vacation	App. Tr.	Others				
<u>Change:</u> Building Construction Boilermakers Sprinkler fitters	.40	.70		.01		\$7.13 8.41	.40	.70 .50	.01 .07		7.13	.40	.70		.01
<u>Change:</u> Building Construction Boilermakers Plumbers & pipefitters (Industrial) Sprinkler fitters	.40 .35 .30	.70 .40 .50		.01 .02 .07		7.13 7.35 8.41	.40 .35 .30	.70 .40 .50			8.13 8.41	.40 .30	.70 .50		.01 .07
<u>DECISION #AP-122 - Mod. #2</u> (37 FR 21240 - October 6, 1972) Bay County, Florida															
<u>Change:</u> Building Construction Boilermakers Plumbers & pipefitters (Industrial) Sprinkler fitters	.40	.70		.01		7.13 7.35 8.41	.40	.70 .40 .50	.01 .02 .07		8.13 8.41	.40 .30	.70 .50		.01 .07
<u>DECISION #AP-123 - Mod. #1</u> (37 FR 24521 - November 17, 1972) Broward County, Florida															
<u>Change:</u> Building Construction Boilermakers	.40	.70		.01		8.13	.40	.70	.01		7.13	.40	.70		.01
<u>DECISION #AP-124 - Mod. #1</u> (37 FR 24524 - November 17, 1972) Monroe County, Florida															
<u>Omit:</u> Boilermakers - Blacksmiths (Key West) Boilermakers-Blacksmiths Boilermakers - Blacksmiths (Sumdr. of County): Boilermakers-Blacksmiths Line Construction: Linemen & heavy equipment op. Cable splicers Groundmen Linemen: winch truck op.	.30	.50		.01		7.25	.30	.50	.01		6.80 7.05 3.65 5.40	.35 .35 .30	.25 .25 .25 .50	.43 .43	.01 .01 .07
<u>Add:</u> Boilermakers - Blacksmiths Remanufacture of County Line Construction: Linemen & heavy equipment op. Cable splicers Groundmen Winch truck op.											7.13	.40	.70		.01
<u>DECISION #AP-127 - Mod. #5</u> (37 FR 20531 - November 17, 1972) Bada County, Florida															
<u>Change:</u> Building Construction: Boilermakers Sprinkler Fitters						8.13 8.41	.40 .30	.70 .50			8.13 8.41	.40 .30	.70 .50		.01 .07
<u>DECISION #AP-128 - Mod. #2</u> (37 FR 24535 - November 17, 1972) Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base Only)															
<u>Change:</u> Boilermakers, blacksmiths Carpenters: Saw operators (radial) Ironworkers: Structural, finishers, burners, rodders, welders, riggers, machinery movers Sheeters Sprinkler fitters						7.13 6.55	.40 .20	.70 .25			7.13 6.55	.40 .20	.70 .25		.01 .01
<u>Omit:</u> Elevator constructors Elevator constructors' helpers Elevator constructors' mechanic's helpers (prob) 50% of JE Glasiers Lathers Marble Helpers Marble Polishers Terrazzo grinders Terrazzo helpers Tile helpers						6.80 6.80 8.41	.35 .35 .30	.25 .25 .50			6.80 6.80 8.41	.35 .35 .30	.25 .25 .50	.43 .43	.01 .01 .07



## MODIFICATIONS P. 3

## MODIFICATIONS P. 4

Basic Hourly Rates	Fringe Benefits Payments				App. To	Others
	H & W	Pension	Vacation	App. To		
7.13	.40	.70		.01		
7.13 5.20	.40	.70		.01		
5.80 5.705	.15 .195	1% .20		$\frac{1}{2}$ of 1% .005		
70LJR 50LJR	.195 .20	.20 1%+ sabb		.005		

Footnotes:  
A. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.  
B. Holidays: A through F

Paid Holidays:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## DECISION #AP-17 - Mod. #3

(37 FR 20415 - September 29, 1972)

Adams, Allen, Dekalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Starke, Stueben, Wells, &amp; Whitley Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.

## DECISION #AP-18 - Mod. #4

(37 FR 20420 - September 29, 1972)

Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Rippeance, Tipton, Wabash, Wabasha, &amp; White Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.

## DECISION #AP-19 - Mod. #3

(37 FR 20424 - September 29, 1972)

Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union, &amp; Wayne Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.

## DECISION #AP-20 - Mod. #2

(37 FR 20428 - September 29, 1972)

Fountain, Warren, Putnam, Sullivan, Vigo, Boone, Hendricks, Green, Morgan, Owen, Vermillion, Parke, Clay, Davies, &amp; Knox Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.

## DECISION #AP-21 - Mod. #4

(37 FR 20433 - September 29, 1972)

Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, &amp; Washington Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.

## DECISION #AP-22 - Mod. #4

(37 FR 20437 - September 29, 1972)

Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, &amp; Warrick Counties, Indiana

## Change:

Laborers: Heavy Construction  
See Modifications Page 5.



DECISIONS #AP-17; #AP-18; #AP-19; #AP-20; #AP-21; #AP-22 (Cont'd)

## Indiana-I-1AB-2-3- I

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
LABORERS: HEAVY CONST. Class I Dynamite and powdermen <sup>1</sup> Class II Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated) Class III Common laborers, unskilled	\$5.45  5.25 5.10	.18  .18	.25  .25	.07  .07

## NOTICES

DECISION #AP-623 - Mod. #1  
(38 FR 4089 - February 9, 1973)  
Allen County, Indiana

## Change:

Laborers-Heavy Construction:  
Dynamite & Powdermen  
Asphalt Lutemen, Asphalt Baker  
Men, Etc.  
Common Laborers, UnskilledDECISION #AP-624 - Mod. #1  
(38 FR 4095 - February 9, 1973)  
Bartholomew County, Indiana

## Change:

Laborers-Heavy Construction:  
Dynamite & Powdermen  
Asphalt Lutemen, Asphalt Baker  
Men, Etc.  
Common Laborers, UnskilledDECISION #AP-625 - Mod. #1  
(38 FR 4101 - February 9, 1973)  
Benton & Tippecanoe Counties, Indiana

## Change:

Laborers-Building Construction:  
Group A  
Group B  
Group C  
Group D  
Laborers-Heavy Construction:  
Dynamite & Powdermen  
Asphalt Lutemen, Asphalt Baker  
Men, Etc.  
Common Laborers, UnskilledDECISION #AP-626 - Mod. #1  
(38 FR 4107 - February 9, 1973)  
Dearborn County, Indiana

## Change:

Laborers-Heavy Construction:  
Dynamite & Powdermen  
Asphalt Lutemen, Asphalt Baker  
Men, Etc.  
Common Laborers, Unskilled

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
DECISION #AP-623 - Mod. #1 (38 FR 4089 - February 9, 1973) Allen County, Indiana				
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	.18  .18 .18	.25  .25 .25		.07  .07 .07
DECISION #AP-624 - Mod. #1 (38 FR 4095 - February 9, 1973) Bartholomew County, Indiana				
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	.18  .18 .18	.25  .25 .25		.07  .07 .07
DECISION #AP-625 - Mod. #1 (38 FR 4101 - February 9, 1973) Benton & Tippecanoe Counties, Indiana				
Change: Laborers-Building Construction: Group A Group B Group C Group D Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	.18  .18 .18 .18  .18 .18 .18	.25  .25 .25 .25  .25 .25 .25		.07  .07 .07 .07  .07 .07 .07
DECISION #AP-626 - Mod. #1 (38 FR 4107 - February 9, 1973) Dearborn County, Indiana				
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	.18  .18 .18	.25  .25 .25		.07  .07 .07



## MODIFICATIONS P. 7

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
<u>DECISION #AP-627 - Mod. #1</u> (38 FR 4111 - February 9, 1973) Delaware County, Indiana					
<u>Change:</u>					
		Laborers-Heavy Construction:			
\$5.45	.18	.25			.07
		Dynamite & Powdermen			
5.25	.18	.25			.07
		Asphalt Lutemen, Asphalt Baker			
5.10	.18	.25			.07
		Men, Etc.			
		Common Laborers, Unskilled			
<u>DECISION #AP-628 - Mod. #1</u> (38 FR 4116 - February 9, 1973) Grant County, Indiana					
<u>Change:</u>					
		Laborers-Building Construction:			
\$5.45	.18	.25			.07
		Group A			
5.65	.18	.25			.07
		Group B			
5.75	.18	.25			.07
		Group C			
6.05	.18	.25			.07
		Group D			
6.45	.18	.25			.07
		Group E			
		Laborers-Heavy Construction:			
5.45	.18	.25			.07
		Dynamite & Powdermen			
5.25	.18	.25			.07
		Asphalt Lutemen, Asphalt Baker			
5.10	.18	.25			.07
		Men, Etc.			
		Common Laborers, Unskilled			
<u>DECISION #AP-629 - Mod. #1</u> (38 FR 4121 - February 9, 1973) Lake County, Indiana					
<u>Change:</u>					
		Laborers-Heavy & Highway Construction:			
\$6.05	.18	.25			.07
		Dynamite & Powdermen			
5.85	.18	.25			.07
		Asphalt Lutemen, Asphalt Baker			
5.70	.18	.25			.07
		Men, Etc.			
		Common Laborers, Unskilled			
<u>DECISION #AP-630 - Mod. #1</u> (38 FR 4126 - February 9, 1973) La Porte County, Indiana					
<u>Change:</u>					
		Laborers-Building Construction:			
\$6.35	.18	.30			.07
		Group A			
6.55	.18	.30			.07
		Group B			

## MODIFICATIONS P. 8

Basic Hourly Rates	Fringe Benefits Payments			
	H & V	Pensions	Vaccation	App. Tr.
<p>DECISION #AP-630 (Cont'd)</p> <p>Laborers-Bldg. Const. (Cont'd):</p> <p>Group C .65</p> <p>Group D .85</p> <p>Group E .30</p> <p>Laborers-Heavy &amp; Highway Construction: Dynamite &amp; Powdermen 6.05</p> <p>Asphalt Lutemen, Asphalt Baker Men, Etc. .18</p> <p>Common Laborers, Unskilled .18</p>	.18	.30		.07
<p>DECISION #AP-631 - Mod. #1</p> <p>(38 FR 4131 - February 9, 1973)</p> <p>Marion County, Indiana</p> <p>Change:</p> <p>Laborers-Heavy Construction: Dynamite &amp; Powdermen \$5.45</p> <p>Asphalt Lutemen, Asphalt Baker Men, Etc. 5.25</p> <p>Common Laborers, Unskilled 5.10</p> <p>Laborers-Sewer &amp; Tunnel Construction: Class 1 5.45</p> <p>Class 2 5.65</p> <p>Class 3 5.85</p> <p>Class 4</p> <p>Free Air Tunnel Work: Miner or Header Man 6.25</p> <p>Muckers &amp; Tunnel Laborers 5.75</p> <p>Bottom Men &amp; Concrete 5.65</p> <p>Top Men 5.55</p>	.18	.25		.07
<p>DECISION #AP-632 - Mod. #1</p> <p>(38 FR 4137 - February 9, 1973)</p> <p>Monroe County, Indiana</p> <p>Change:</p> <p>Laborers-Heavy Construction: Dynamite &amp; Powdermen \$5.45</p> <p>Asphalt Lutemen, Asphalt Baker Men, Etc. 5.25</p> <p>Common Laborers, Unskilled 5.10</p>	.18	.25		.07



MODIFICATIONS P. 10

DECISION #AP-153 - Mod. #1 (38 FR 4636 - February 16, 1973) Hinds County, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tn.
Change: Boilermakers Lathers Truck Drivers: 1½ to 5 tons Over 5 tons	\$7.13 6.10 3.75 4.40	.40	.70		.01 .01
DECISION #AP-159 - Mod. #1 (38 FR 4638 - February 16, 1973) Harrison, Pearl River Counties, Mississippi					
Change: Boilermakers Carpenters Millwrights Sheetmetal workers	7.13 6.30 6.62 7.315	.40	.70	.25	.01 .08

MODIFICATIONS P. 9

DECISION #AP-633 - Mod. #1 (38 FR 4142 - February 9, 1973) Porter County, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tn.
Change: Laborers-Heavy & Highway Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	\$6.05 5.85 5.70	.18 .18 .18	.25 .25 .25		.07 .07 .07
DECISION #AP-634 - Mod. #1 (38 FR 4147 - February 9, 1973) St. Joseph County, Indiana					
Change: Laborers-Heavy & Highway Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	\$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07
DECISION #AP-635 - Mod. #1 (38 FR 4151 - February 9, 1973) Vanderburgh County, Indiana					
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	\$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07
DECISION #AP-636 - Mod. #1 (38 FR 4156 - February 9, 1973) Vigo County, Indiana					
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Baker Men, Etc. Common Laborers, Unskilled	\$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07



## MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		M & W	Pensions	Vacation	App. Tr.	Others
<u>DECISION #AP-239 - Mod. #4</u> (37 FR 19909 - September 22, 1972) Flathead and Missoula Counties, Montana						
Change:						
Bricklayers; Stonemasons	\$6.65	.30	.25			
Cement Masons (Missoula County)	6.40	.35				
Laborers (Flathead County):						
General laborer	5.065	.35	.25			
Air tool op.; Jackhammer vibrator	5.30	.35	.25			
Mason tenders; Small concrete mixers; Pipelayers (non-metallic):						
Plaster tenders	5.365	.35	.25			
Plasterers (Missoula County)	6.65	.35				
Sheet Metal Workers	6.88	.22	.10			.01
Sprinkler Fitters	7.20	.30	.50			.05
Truck Drivers(Flathead County)	5.065					
Add:						
Marble Masons; Terrazzo Workers;	6.65	.30	.25			
Tile Setters						
<u>DECISION #AP-240 - Mod. #3</u> (37 FR 19912 - September 22, 1972) Gallatin and Lewis & Clark Counties, Montana						
Change:						
Bricklayers; Stonemasons	\$6.65					
Sheet Metal Workers (Gallatin Co.)	6.56	.27	.10			.02
Sprinkler Fitters	7.20	.30	.50			.05
<u>DECISION #AP-241 - Mod. #3</u> (37 FR 19916 - September 22, 1972) Custer and Yellowstone Counties, Montana						
Change:						
Electricians (Yellowstone County)	\$6.94	.20	.15			1/2%
Soft Floor Layers	5.54	.25	.20			
Sprinkler Fitters	7.20	.30	.50			.05

## MODIFICATIONS P. 11

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-237 - Mod. #2 (37 FR 19900 - September 22, 1972) Cascade County, Montana					
Change:					
Bricklayers; Stonemasons	\$7.35	.25			
Cement Masons:					
Cement masons	6.55	.35			
Power machine ops.; Swing scaffold work	6.80	.35			
Laborers:					
General laborers; Concrete (wet or dry); Dumpmen (spotter); Fence erectors & installers; Scalemen	5.22	.35	.20	.03	
Brick tenders; Dumpmen (grade); Small concrete mixers	5.62	.35	.20	.03	
Air-trac; Asphalt raker & tamperers; Barco tamperers; Concrete nozzle-men; High scaler; Hot carriers; Plaster tenders	5.72	.35	.20	.03	
Car or truck mounted air operated drills & other air tools; Mechanical tamperers; Jackhammers; Pavement breakers; wagon drillers; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (backing & falling)	5.47	.35	.20	.03	
Painters:					
Brush	5.49	.25	.30		
Paperhanger	5.74	.25	.30		
Taper	5.84	.25	.30		
Brush on steel	5.99	.25	.30		
Spraying; Sandblasting	7.74	.25	.30		
Sprinkler Fitters	7.20	.30	.50		.05
Add:					
Carpenters; Pile-drivers; Saw-filers; Sawmen; Millwrights				.01	
DECISION #AP-238 - Mod. #2 (37 FR 19904 - September 22, 1972) Silverbow County, Montana					
Change:					
Carpenters	\$5.87	.30	.35	.50	.01
Painters:					
Brush	5.56				
Tapers	5.81				
Spray	8.34				
Sheet Metal Workers	6.55	.27	.20		
Sprinkler Fitters	7.20	.30	.50		.05



MODIFICATIONS P. 14

Basic Monthly Rates	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-422 - Mod. #2 (37 FR 20654 - September 29, 1972) Erie County, Pennsylvania					
Change: Heavy and Highway: Carpenters Cement masons Piledriversmen	6% 43 5%	3% 1.08 6%			
Add: Heavy and Highway: Carpenter welder	6%	3%			
DECISION #AP-425 - Mod. #4 (37 FR 20664 - September 29, 1972) Lawrence County, Pennsylvania					
Change: Heavy and Highway: Cement Masons Piledriversmen	.43 5%	1.08 6%			
Add: Heavy and Highway: Carpenter welder	6%	3%			
DECISION #AP-454 - Mod. #2 (38 FR 943 - January 5, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango and Warren Counties, Pennsylvania					
Change: Heavy and Highway: Cement masons Piledriversmen	.43 5%	1.08 6%			
Add: Heavy and Highway: Carpenter welder by Counties: Armstrong Blair, Crawford, Indiana, McKean, Venango and Warren	6% 6%	3% 3%			

MODIFICATIONS P. 13

Basic Monthly Rates	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-700 - Mod. #2 (38 FR 11173 - February 9, 1973) Statewide, New Mexico					
Debit: Sheet Metal Workers: Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Union and Valencia Counties	.15	.15			
Add: SHEET METAL WORKERS: Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties	.31	.25	.02		
Kirtland Air Force Base, Sandia Base and Los Alamos County	.31	.25	.02		
San Juan County	.31	.25	.02		
Change: Line Construction - New Mexico B to read "Remainder of State"					
DECISION #AP-702 - Mod. #2 (38 FR 11173 - February 9, 1973) Oklahoma County, Oklahoma					
Change: ELECTRICIANS: Zone (1) - 0 - 10 miles radius of Oklahoma City Main Post Office Zone (2) - 10 - 30 miles radius of Oklahoma City Main Post Office Cable Splicers: Zone (1) - 0 - 10 miles radius of Oklahoma City Main Post Office Zone (2) - 10 - 30 miles radius of Oklahoma City Main Post Office	.30 15+.20 15+.20 15+.20 15+.20	.30 15+.20 15+.20 15+.20 15+.20	15 15 15 15		



## MODIFICATIONS P. 15

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
DECISION #AP-464 - Mod. #2 (38 FR 2609 - January 26, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania  Change: Cement masons Pile drivers  Add: Heavy and Highway: Carpenter welder	.43 5%	1.08 6%		
DECISION #AP-465 - Mod. #2 (38 FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania  Change: Cement masons Pile drivers	.43 5%	1.08 6%		
DECISION #AP-466 - Mod. #1 (38 FR 2615 - January 26, 1973) Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania  Change: Heavy and Highway: Cement masons Pile drivers  Add: Heavy and Highway: Carpenter welder: Centre, Clearfield, Jefferson Greene	.43 5%  6% 6%	1.08 6%  3% 3%		

## MODIFICATIONS P. 16

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
DECISION #AP-467 - Mod. #1 (38 FR 2618 - January 26, 1973) Beaver County, Pennsylvania  Change: Heavy and Highway: Cement masons Pile drivers  Add: Heavy and Highway: Carpenter welder	.43 5%	1.08 6%		
DECISION #AP-479 - Mod. #1 (38 FR 5765 - March 2, 1973) Mercer County, Pennsylvania  Change: Heavy and Highway: Cement masons Pile drivers	.43 5%	1.08 6%		
DECISION #AP-480 - Mod. #1 (38 FR 5771 - March 2, 1973) Franklin County, Pennsylvania  Change: Building Construction: Carpenters, soft floor layers Heavy and Highway: Cement masons Pile drivers  Add: Heavy and Highway: Carpenter welder	5%  4% 5%	10%  1.08 6%		



DECISION #AP-390 - Mod. #4  
(38 FR 2628 - January 26, 1973)  
El Paso County, Texas

Change:

Building Construction:

Bricklayers  
Carpenters  
Millwrights  
Stationary radial arm power  
saw operator  
Floor layers  
Marble masons  
Terrazzo workers  
Tile setters

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pension	Vacation	App. Tr.	Others
\$5.60	.26			.08	
5.50	.30			.02	
5.75	.30			.02	
5.625	.30			.02	
5.50	.30			.02	
5.60	.26			.06	
5.60	.26			.08	
5.60	.26			.08	
6.00	.25	.15			.01
3.775	.225				
3.775	.225				

DECISION #AP-394 - Mod. #4  
(38 FR 2640 - January 26, 1973)  
Lubbock County, Texas

Change:

Building Construction:

Carpenters  
Laborers:  
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe  
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders







## BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION

Roofers:				
Composition	\$7.90	.425	.35	.30
Composition Helper - Class A	7.325	.425	.35	.30
Composition Helper - Class B	3.60	.425	.35	.30
Slate, tile, Precast Concrete	8.40	.425	.35	.30
Sheet Metal Workers	8.70	.50	.51	.05
Sprinkler fitters	8.00	.25	.40	.05
Steamfitters:				
Southampton	6.00	.15	.20	
Berlin-Bristol-New Britain-Plainville	9.05	.30	.50	
Remainer of County	8.82	.54	.54	.05
Waterproofers	7.90	.425	.35	.30
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. Paid holidays: C, D, and E.				
b. \$.15 per man per week.				
c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.				
d. Holidays: A through F.				
e. Holidays: A through F, Washington's Birthday and Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days preceding & following the holiday.				
f. Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.				
g. Paid Holidays: B through F.				
h. Paid Holidays: A through F and Good Friday.				
i. Paid Holiday: D.				
j. Paid Holidays C and D.				

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION:

Berrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	\$ 8.32	.30	.25+a	b
Tower crane, dragline, gradall, hoist, hoisting scoop loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b
Maintenance engineer	8.05	.30	.25+a	b
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yds.)	7.90	.30	.25+a	b
Asphalt spreader	7.90	.30	.25+a	b
Bulldozer	7.80	.30	.25+a	b
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b
Combination hoe and loader	7.70	.30	.25+a	b
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b
Compressor, generator, pump & well pining opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b
Boiler operators	7.50	.30	.25+a	b
Dinky machine opr., fireman (high pressure), power pavement breaker	7.35	.30	.25+a	b
Oilier	6.90	.30	.25+a	b
Crane with boom, over 150 ft. Additional: \$ .25 per hour				
Crane with boom, over 200 ft. Additional: \$ .50 per hour				
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 \$.15 per hour to Supplemental Unemployment Fund.				
b. Seven (7) paid holidays: A through F and Good Friday.				



AP-472 P. 5

1-TLSL-CON-1-2-3-F

## BUILDING, HEAVY, &amp; HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTH
Truck Drivers:					
Two axle trucks	a	b	c		
Three axle trucks	a	b	c		
Four axle trucks	a	b	c		
Two axle ready-mix	a	b	c		
Three axle ready-mix	a	b	c		
Four axle ready-mix	a	b	c		
Heavy duty trailer - to 40 tons	a	b	c		
Heavy duty trailer - over 40 tons	a	b	c		
Balpers	a	b	c		
Specialized earth moving equipment	a	b	c		
Paid Holidays (Where applicable):					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas.					
Footnotes:					
a. \$14.00 per week for employees employed over 16 hours and \$.35 per hour for employees less than 16 hours during the week.					
b. \$20.00 per week for employees employed over 24 hours and \$.50 per hour for employees employed less than 24 hours during the week.					
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 21 calendar days service and is available for work the day preceding and following the holiday.					

AP-472 P. 6

SW-CON-2-3-J

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTH
Erecting and handling structural steel, front end loader (7 yds. or over)	.30	.254a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooter)	.30	.254a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 4 yd.)	.30	.254a	b	.05	
Asphalt spreader	.30	.254a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	.30	.254a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	.30	.254a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	.30	.254a	b	.05	
Compressor, pump opt.	.30	.254a	b	.05	
Fireman, high pressure	.30	.254a	b	.05	
Well point system	.30	.254a	b	.05	
Compressor battery operator	.30	.254a	b	.05	
Oilier	.30	.254a	b	.05	
Batch plant, bulk cement plant, oiler	.30	.254a	b	.05	
Crane with 150 ft. boom - additional \$4.25 per hour	.30	.254a	b	.05	
Crane with 200 ft. boom - additional \$4.50 per hour	.30	.254a	b	.05	
Paid Holidays (Where Applicable):					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE:					
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.					
b. Seven (7) paid holidays: A through F and Good Friday.					



AP-473 P. 2

SUPERSEDES DECISION

STATE: Connecticut

COUNTY: Litchfield

DATE: Date of Publication

Supersedes Decision No. AP-447, dated November 25, 1972, in 37 FR 25137.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

3-COUNS-1-2-3-8 (2-4)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
		H & W	Pension	Vacation		
Laborers (Building, Heavy & Highway):	\$6.60	.30	.30		.05	
Laborers						
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tenders & power buggy	6.85	.30	.30		.05	
Air track operators, wagon drill ops., and sandblasters	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Barthamstead, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01	
Kent, Salisbury, Sharon	7.70	.25	.35		.01	
Remainder of County	8.75	.25	.15		.01	
Lead Burners	7.80	.30		c		
Line Constructors:						
Bridgewater, New Milford:						
Linemans, Cable Splicer, Welder, Pipe-layer, Dynamite Man	6.21	.15	.15	d		
Digger operator, equipment operator	5.21	.15	.15	d		
Groundman, truck driver	4.99	.15	.15	d		
Cable splicer helper	4.85	.15	.15	d		
Groundman, experienced	4.39	.15	.15	d		

3-COUNS-1-2-3-8 (1-4)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
		H & W	Pension	Vacation		
Asbestos Workers:						
Canaan, Colebrook, Norfolk, North Canaan and Salisbury	\$7.60	.34	.15		.01	
Remainder of County	8.715	.42	.28			
Boilermakers	8.705	.50	.10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Thomaston, Watertown, Woodbury, Bridgewater, Kent, New Milford, Roxbury	8.91	.35+.15	.25	1		
Plymouth, Terryville	8.35	.35+.15	.25			
Remainder of County	8.60	.20	.24+.40			
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	8.75	.50	.25			
Bricklayers, Cement Mason-Finishers, Stonemasons: (Heavy & Highway):						
West of Housatonic River	7.65	.35	.15+.25			
East of Housatonic River	7.65	.40	.25			
Carpenters & Pile-drivers (Rwy & Hwy.):						
West of Housatonic River	8.30	.35	.20	b	.03	
East of Housatonic River	8.30	.35	.20	b	.03	
Carpenters, soft floor layers, pile-drivers (Building Only):						
Bethlehem, Bridgewater, Kent, Woodbury, New Milford, Roxbury, Gaylordville	5.25	.15	.15			
Northfield, Thomaston, Watertown, Morris	8.058	.40	.20	8	.02	
Plymouth, Terryville, Harvinton	8.12	.35	.20			
Remainder of County	8.45	.45	.30	f	.04	
Electricians:						
Plymouth	8.75	.35	.15+.30		1/2 of 1%	
Bridgewater, New Milford	8.35	.33	.15+.30		1/2 of 1%	
Remainder of County	8.80	.25	.15+.30		1/2 of 1%	
Elevator Constructors	8.21	.345	.23	2%+b	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+b	.015	
Elevator Constructors' Helpers (Prob.)	4.105					
Glassiers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental & reinforcing	9.30	.35	.44		.04	



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3-CONN-1-2-3-N 3-4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plymouth Townships:					
Linenmen, dynamite man	\$5.18	.10	1%	e	
Equipment operator	4.37	.10	1%	e	
Groundman, truck driver	3.85	.10	1%	e	
Groundman, experienced	3.41	.10	1%	e	
Groundman, inexperienced	2.98	.10	1%	e	
Remainder of County:					
Linenmen, dynamite man	5.18	.15	1%	e	1/2 of 1%
Equipment operator	4.37	.15	1%	e	1/2 of 1%
Groundman, truck driver	3.85	.15	1%	e	1/2 of 1%
Groundman, inexperienced	2.98	.15	1%	e	1/2 of 1%
Groundman, experienced	3.41	.15	1%	e	1/2 of 1%
Painters:					
Brush:					
New Milford	6.20	.25			
Remainder of County	7.25	.50	.20		
Structural steel:					
New Milford	7.20	.25			
Remainder of County (Bridge)	8.50	.50	.20		
Sprays:					
Remainder of County	10.875	.50	.20		
Plumbers:					
Bridgewater, New Milford	8.10	.30	.30		
Barkhamsted, New Hartford	8.65	5%	5%		.15
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston and Watertown					
Remainder of County	8.32	.50+.08	.50		.08
Roofers:					
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:	7.79	.40	.30	j	
Composition, hettlemen	8.50	.60	.30		
Slate & tile	8.75	.60	.30		
Slate & tile helpers	7.75	.60	.30		
Precast slab	9.00	.60	.30		
Precast halper	8.25	.60	.30		
Remainder of County:					
Composition	7.90	.425	.35	.30	
Slate & tile	8.40	.425	.35	.30	
Helpers Class A	7.325	.425	.35	.30	
Helpers Class B	3.60	.425	.35	.30	
Sheet metal workers	5.42	.10	.20		.05
Sprinkler fitters	8.00	.25	.40		
Steamfitters:					
Barkhamsted, New Hartford	8.82	.54	.54		.05
Waterproofers:					
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.50	.60	.30		
Remainder of County	7.90	.425	.35	.30	
Welders - rate for craft.					

AP-473 P. 4

3-CONN-1-2-3-N

4-4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
b. Six (6) paid holidays: A through F.					
c. Nine (9) paid holidays: A through H, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.					
d. Five (5) paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.					
e. Seven (7) paid holidays: A through H, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.					
f. Paid holidays: C and E.					
g. Paid Holidays: B through E.					
h. Paid Holidays: A through F plus Good Friday.					
i. Paid Holidays: C and D.					
j. Paid Holiday: D.					



AP-473 P. 5

SS-COON-1-0

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. T.
Perrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick, tower crane, dragline, grapple, hoist, hoisting scoop loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	.30	.25a	b	
Maintenance engineer	.30	.25a	b	
Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yds.)	.30	.25a	b	
Asphalt spreader	.30	.25a	b	
Bulldozer	.30	.25a	b	
Grader, scraper, carryall operator	.30	.25a	b	
Combination hoe and loader	.30	.25a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds.), powerstone spreader	.30	.25a	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve opr., mechanical heater opr., Steam Jenny, fork lift (not over 4 ft.)	.30	.25a	b	
Roller operators	.30	.25a	b	
Dinky machine opr., fireman (high pressure), power pavement breaker	.30	.25a	b	
Oilier	.30	.25a	b	
Crane with boom, over 150 ft. Additional \$ .25 per hour	.30	.25a	b	
Crane with boom, over 200 ft. Additional \$ .50 per hour	.30	.25a	b	
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				
FOOTNOTE:				
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.				
b. Seven (7) paid holidays: A through F and Good Friday.				

AP-473 P. 6  
SS-COON-2-3-U

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. T.
POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION				
Erecting and handling structural steel, front end loader (7 yds. or over)	.30	.25a	b	.05
Pile driver, crane shovel, dragline, grapple, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheet-piling, hoisting loader (scoop)	.30	.25a	b	.05
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 4 yds.)	.30	.25a	b	.05
Asphalt spreader	.30	.25a	b	.05
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	.30	.25a	b	.05
Asphalt roller, bulldozer, carryall, maintenance engineer	.30	.25a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	.30	.25a	b	.05
Compressor, pump opr.	.30	.25a	b	.05
Fireman, high pressure	.30	.25a	b	.05
Wall point system	.30	.25a	b	.05
Compressor battery operator	.30	.25a	b	.05
Oilier	.30	.25a	b	.05
Batch plant, bulk cement plant, oiler Crane with 150 ft. boom - additional \$ .25 per hour	.30	.25a	b	.05
Crane with 200 ft. boom - additional \$ .50 per hour	.30	.25a	b	.05
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTE:				
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.				
b. Seven (7) paid holidays: A through F and Good Friday.				



AF-473 P. 7 1-TL-SL-COM-1-2-3-F

## BUILDING, HEAVY, &amp; HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Truck Drivers:						
Two axle trucks	\$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		
Paid Holidays (where applicable):						
A. New Year's Day; B. Memorial Day;						
C. Independence Day; D. Labor Day;						
E. Thanksgiving Day; F. Christmas.						
Footnotes:						
a. \$14.00 per week for employee						
employed over 16 hours and \$1.35						
per hour for employee less than 16						
hours during the week.						
b. \$20.00 per week for employees						
employed over 24 hours and \$1.50 per						
hour for employees employed less						
than 24 hours during the week.						
c. Seven (7) holidays: A through F,						
and Good Friday provided the employee						
has 31 calendar days service and is						
available for work the day preceding						
and following the holiday.						



AP-474 P. 2

4-COON-1-2-3-M (2-2)

SUPERSEDES DECISION

COUNTY: Middlesex

DATE: Date of Publication

SUPERSEDES DECISION NO. AP-436, dated October 13, 1972, in 37 FR 21753.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. (1-2)

4-COON-1-2-3-M (1-2)

	Fringe Benefits Payments				
	Basic Hourly Rates	M & W	Pensions	Vacation	App. Tc.
Asbestos Workers	\$8.715	.42	.28		.01
Boilermakers	8.705	.50	10%		
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	8.75	.20	.30		
Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters' Helpers	7.65	.35	.15+.25		
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway Only)	7.60	.40	.25		
Carpenters & Piledrivers (Hwy & Hwy)	8.30	.35	.20		
Carpenters, Soft Floor Layers (Bldg. Only)	8.12	.35	.20		
Electricians:					
Cromwell, Middlefield, Middletown, Portland	8.70	.65	11+.40		1/4
Remainder of County	8.40	.40	11+.20		1/4
Elevator Constructors' Helpers	8.21	.345	.23	254b+c	.015
Elevator Constructors' Helpers (Prob.)	5.75	.345	.23	254b+c	.015
Glaziers (Outside)	4.105		.32		
Ironworkers: Structural, Ornamental & Reinforcing	8.01	.47	.44		.04
Laborers (Building, Hwy., Highway)	9.30	.45			
Laborers, carpenters tenders, wrecking laborers	6.60	.30	.30		.05
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tender & power buggy	6.85	.30	.30		.05
Air track operators, wagon grill ops. and sand blasters	7.10	.30	.30		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Top Man	6.60	.30	.25		.05
Bottom Man	7.10	.30	.25		.05
Lathers:					
Cromwell, East Haddam, East Hampton, Middlefield, Middletown, Portland	9.15	.25	.30		.01
Remainder of County	8.52	.25	.20		.01
Lead Burners	7.80	.30		d	.01
Line Constructors:					
Lineman, Dynamite	5.18	.10	1%	e	
Equipment Operator	4.37	.10	1%	e	
Groundman, Truck Driver	3.85	.10	1%	e	
Groundman, Experienced	3.41	.10	1%	e	
Groundman, Inexperienced	2.98	.10	1%	e	
Painters:					
Brush	7.25	.50	.20		
Bridge	8.50	.50	.20		
Spray	10.87	.50	.20		
Piledrivers (Building Only)	8.12	.35	.20		

## Plumbers and Steamfitters:

Clincon, Westbrook, Killingworth  
Essex, Old Saybrook, Ivoryton, Saybrook  
Remainder of County, Plumbers  
Remainder of County, Steamfitters

Roofers:

Composition

Composition, Helpers, class "A"

Composition, Helpers, class "B"

Slate, Tile, Precast Concrete

Waterproofers

Sheet Metal Workers

Sprinkler Fitters

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:

b. Employer contributes 4% basic hourly rate for 3 years of more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A thru F.

d. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

e. Seven (7) paid holidays: A thru F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid Holidays: A through F plus Good Friday.

g. Paid Holiday: D.

STATE: Connecticut

DECISION NO.: AP-474

SUPERSEDES DECISION NO. AP-436, dated October 13, 1972, in 37 FR 21753.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. (1-2)

4-COON-1-2-3-M (1-2)

## BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION

Asbestos Workers

Boilermakers

Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)

Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters' Helpers

Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy &amp; Highway Only)

Carpenters &amp; Piledrivers (Hwy &amp; Hwy)

Carpenters, Soft Floor Layers (Bldg. Only)

Electricians:

Cromwell, Middlefield, Middletown, Portland

Remainder of County

Elevator Constructors' Helpers

Elevator Constructors' Helpers (Prob.)

Glaziers (Outside)

Ironworkers: Structural, Ornamental &amp; Reinforcing

Laborers (Building, Hwy., Highway)

Laborers, carpenters tenders, wrecking laborers

Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tender &amp; power buggy

Air track operators, wagon grill ops. and sand blasters

Open Air Caisson, Cylindrical Work and Boring Crew:

Top Man

Bottom Man

Lathers:

Cromwell, East Haddam, East Hampton, Middlefield, Middletown, Portland

Remainder of County

Lead Burners

Line Constructors:

Lineman, Dynamite

Equipment Operator

Groundman, Truck Driver

Groundman, Experienced

Groundman, Inexperienced

Painters:

Brush

Bridge

Spray

Piledrivers (Building Only)



AP-474 P. 3 SW-COON-2-3-U	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Passive	Vacation	App. T.	Other		H & W	Passive	Vacation	App. T.	Other
POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION											
Erecting and handling structural steel, front end loader (7 yds. or over)	.30	.254a	b	.05		\$8.25	.30	.254a	b	.05	
Filed driver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, hoisting loader (skooter)	.30	.254a	b	.05		8.15	.30	.254a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 4 yd.)	.30	.254a	b	.05		7.90	.30	.254a	b	.05	
Asphalt spreader	.30	.254a	b	.05		7.75	.30	.254a	b	.05	
Front end loader (3 yds. or over), grader power stoom spreader, combination hoe & loader	.30	.254a	b	.05		7.65	.30	.254a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	.30	.254a	b	.05		7.50	.30	.254a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	.30	.254a	b	.05		7.35	.30	.254a	b	.05	
Compressor, pump opr.	.30	.254a	b	.05		7.17	.30	.254a	b	.05	
Fireman, high pressure	.30	.254a	b	.05		7.25	.30	.254a	b	.05	
Well point system	.30	.254a	b	.05		7.33	.30	.254a	b	.05	
Compressor battery operator	.30	.254a	b	.05		7.90	.30	.254a	b	.05	
Oilier	.30	.254a	b	.05		6.90	.30	.254a	b	.05	
Batch plant, bulk cement plant, oiler	.30	.254a	b	.05		6.90	.30	.254a	b	.05	
Crane with 150 ft. boom - additional \$-.25 per hour											
Crane with 200 ft. boom - additional \$-.50 per hour											
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.											
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.											
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:											
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	.30	.254a	b			\$8.32	.30	.254a	b		
Tower crane, dragline, gradall, hoist, hoisting, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	.30	.254a	b			8.15	.30	.254a	b		
Maintenance engineer	.30	.254a	b			8.05	.30	.254a	b		
Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery opr.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yds.)	.30	.254a	b			7.90	.30	.254a	b		
Asphalt spreader	.30	.254a	b			7.90	.30	.254a	b		
Bulldozer	.30	.254a	b			7.80	.30	.254a	b		
Grader, scraperpan, carryall operator	.30	.254a	b			7.70	.30	.254a	b		
Combination hoe and loader	.30	.254a	b			7.70	.30	.254a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds.), powerstone spreader	.30	.254a	b			7.65	.30	.254a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve opr., mechanical heater oprs.	.30	.254a	b			7.53	.30	.254a	b		
Steam Jenny, fork lift (not over 4 ft.)	.30	.254a	b			7.55	.30	.254a	b		
Roller operators	.30	.254a	b			7.50	.30	.254a	b		
Dinky machine opr., fireman (high pressure), power pavement breaker	.30	.254a	b			7.35	.30	.254a	b		
Oilier	.30	.254a	b			6.90	.30	.254a	b		
Crane with boom, over 150 ft. Additional \$-.25 per hour											
Crane with boom, over 200 ft. Additional \$-.50 per hour											
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day											
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.											



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BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Truck Drivers:					
Two axle trucks	\$5.50	a	b	c	
Three axle trucks	5.60	a	b	c	
Four axle trucks	5.70	a	b	c	
Two axle ready-mix	5.60	a	b	c	
Three axle ready-mix	5.65	a	b	c	
Four axle ready-mix	5.75	a	b	c	
Heavy duty trailer - to 40 tons	5.65	a	b	c	
Heavy duty trailer - over 40 tons	5.80	a	b	c	
Helpers	5.50	a	b	c	
Specialized earth moving equipment	5.75	a	b	c	
Paid Holidays (Where applicable):					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas.					
Footnotes:					
a. \$14.00 per week for employee employed over 16 hours and \$.35 per hour for employee less than 16 hours during the week.					
b. \$20.00 per week for employees employed over 24 hours and \$.50 per hour for employees employed less than 24 hours during the week.					
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.					



## SUPERSEDES DECISION

STATE: Connecticut

COUNTY: New London

DATE: Date of Publication

Supersedes Decision No. AP-475, dated November 25, 1976, in 37 FR 23144.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

6-COON-1-2-3-P (1 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & W	Pensions	Vacation	App. Tr.	
Asbestos Workers:						
Grissold, Ledyard, Lisbon, North	8.70	.39	.35		.005	
Stonington, Preston, Stonington,	8.715	.42	.26			
Voluntown	8.705	.50	10%		.01	
Remainder of County						
Boilermakers						
Bricklayers, cement mason-finishers,						
marble setters, plasterers, stone						
masons, terrazzo workers, tile						
setters (Building Only):						
Norwich	8.95	.20+.15	.25			
Remainder of County	8.90	.40	.25			
Marble setters' helpers, terrazzo						
workers' helpers, tile setters'						
helpers: (Building Only)						
Bricklayers, cement mason-finishers,	7.65	.35	.15+.25			
stone masons (Heavy & Highway Only)	7.60	.40	.25			
Carpenters & piledrivers (heavy and						
highway only):	8.30	.35	.20		.03	
Carpenters, soft floor layers,						
piledrivers (Building only)						
Township of Stonington	7.975	.25	.25	.25	.005	
Remainder of County	8.05	.50	.30			
Electricians:						
East Lyme, Groton, Lyme, New London,	8.40	.40	.36 + .20		.36	
Old Lyme, Waterford	8.35	.40	.36 + .20		.36	
Remainder of County						
Cable splicers:						
East Lyme, Groton, Lyme, New London,						
Old Lyme, Waterford	5.55	.15	.36 + .20		.36	
Elevator Constructors	8.21	.365	.23	.26+.40	.015	
Elevator Constructors' Helpers	5.75	.365	.23	.26+.40	.015	
Elevator Constructors' Helpers (Prob)	4.105					
Glaziers (Outside)	8.01	.47	.32		.04	
Ironworkers: Str., Orn. & Reinf.	9.30	.35	.44			
Laborers: (Bldg., Heavy & Highway)						
Laborers, carpenters' tenders,						
wrecking laborers	6.60	.30	.30		.05	
Jackhammer op. mason tenders, mortar						
mixer, pipe layers, plasterer tenders						
& power buggy	6.85	.30	.30		.05	
Air track operators, wagon drill ops.,						
and sand blasters	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work						
and Borine Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Groton	7.40	.45	.50		.01	
Remainder of County	8.70	.20	.30		.01	
Lead Burners	7.80	.30			.01	

6-COON-1-2-3-P (1 of 2)

## BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION

Line Construction:	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & W	Pensions	Vacation	App. Tr.	
Licensed, dynamite man	85.18	.10	.36			
Equipment operators	4.37	.10	.36			
Groundman, truck driver	3.85	.10	.36			
Groundman, experienced	3.41	.10	.36			
Groundman, inexperienced	2.98	.10	.36			
Painters:						
Brush	6.70	.25	.40	.20		
Bridge	8.80	.25	.40	.20		
Sandblasters, steamcleaners	7.43	.25	.40	.20		
Plumbers, Steamfitters:						
Groton, Lyme, Merville, New London,						
Old Lyme, Salem, Stonington, Say-						
Waterford, East Lyme, Essex, Say-						
brook, Ivoryton, Old Saybrook, Mont-						
ville to Four Corners	7.75	.20	.20			
Remainder of County	8.48	.40	.20			
Roofers:						
Composition	7.90	.425	.35	.30		
Composition, helpers, class "A"	7.325	.425	.35	.30		
Composition, helpers, class "B"	3.60	.425	.35	.30		
Slate, tile, precast concrete	8.40	.425	.35	.30		
Sprinkler Fitters	8.00	.25	.40			.03
Sheet Metal Workers	8.70	.50	.51			.05
Waterproofers	7.90	.425	.35	.30		
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. \$.05 per man per week.						
b. Employer contributes 4% basic hourly rate for 5 years or more service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.						
c. Six paid holidays: A thru F.						
d. Nine (9) paid holidays: A thru F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 65 full days during the 180 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
e. Seven (7) paid holidays: A thru F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.						
f. Paid holidays: A thru F, plus Good Friday.						
g. Paid holiday: D.						



POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION:

Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Pensions	Vacation
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	.30	.254a	b
Tower crane, dragline, gradall, hoist, Kohring scoop loader and/or hoist, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	.30	.254a	b
Maintenance engineer	.30	.254a	b
Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 1/2 yd.)	.30	.254a	b
Asphalt spreader	.30	.254a	b
Bulldozer	.30	.254a	b
Grader, scraper, carryall operator	.30	.254a	b
Combination hoe and loader	.30	.254a	b
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	.30	.254a	b
Compressor, generator, pump & well point opr., welding machine, air steam valve opr., mechanical heater oprs.	.30	.254a	b
Steam Jenny, fork lift (not over 4 ft.), roller operators	.30	.254a	b
Dinky machine opr., firemen (high pressure), power pavement breaker	.30	.254a	b
Oilier	.30	.254a	b
Crane with boom, over 150 ft. Additional \$1.25 per hour	.30	.254a	b
Crane with boom, over 200 ft. Additional \$1.50 per hour	.30	.254a	b
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day	.30	.254a	b
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.	.30	.254a	b

POWER EQUIPMENT OPERATORS  
HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Pensions	Vacation
Erecting and handling structural steel, front end loader (7 yds. or over)	.30	.254a	b
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheet-piling, Kohring loader (scoop)	.30	.254a	b
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 1/2 yd.)	.30	.254a	b
Asphalt spreader	.30	.254a	b
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	.30	.254a	b
Asphalt roller, bulldozer, carryall, maintenance engineer	.30	.254a	b
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	.30	.254a	b
Compressor, pump opr.	.30	.254a	b
Fireman, high pressure	.30	.254a	b
Well point system	.30	.254a	b
Compressor battery operator	.30	.254a	b
Oilier	.30	.254a	b
Batch plant, bulk cement plant, oiler	.30	.254a	b
Crane with 150 ft. boom - additional \$1.25 per hour	.30	.254a	b
Crane with 200 ft. boom - additional \$1.50 per hour	.30	.254a	b
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.	.30	.254a	b
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.	.30	.254a	b



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AP-475 P. 5 1-TL-SH-COIN-2-2-2-F

POWER EQUIPMENT OPERATORS  
HEAVY & HIGHWAY CONSTRUCTION

Erecting and handling structural steel, front end loader (7 yds. or over)

Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, hoisting loader (skooter)

Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 4 yd.)

Asphalt spreader

Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader

Asphalt roller, bulldozer, carryall, maintenance engineer

Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine

Compressor, pump opt.

Firmen, high pressure

Well point system

Compressor battery operator

Oillet

Batch plant, bulk cement plant, oiler

Crane with 150 ft. boom - additional \$25 per hour

Crane with 200 ft. boom - additional \$50 per hour

Paid Holidays (Where Applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTE:

- a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.
- b. Seven (7) paid holidays: A through F and Good Friday.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$8.25	.30	.25+4	b	.05
8.15	.30	.25+4	b	.05
7.90	.30	.25+4	b	.05
7.75	.30	.25+4	b	.05
7.65	.30	.25+4	b	.05
7.50	.30	.25+4	b	.05
7.35	.30	.25+4	b	.05
7.17	.30	.25+4	b	.05
7.25	.30	.25+4	b	.05
7.33	.30	.25+4	b	.05
7.90	.30	.25+4	b	.05
6.90	.30	.25+4	b	.05
6.90	.30	.25+4	b	.05

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TR.
\$5.50	a	b	o	o
5.60	a	b	o	o
5.70	a	b	o	o
5.60	a	b	o	o
5.65	a	b	o	o
5.75	a	b	o	o
5.65	a	b	o	o
5.80	a	b	o	o
5.50	a	b	o	o
5.75	a	b	o	o

## Truck Drivers:

Two axle trucks

Three axle trucks

Four axle trucks

Two axle ready-mix

Three axle ready-mix

Four axle ready-mix

Heavy duty trailer - to 40 tons

Heavy duty trailer - over 40 tons

Helpers

Specialized earth moving equipment

## Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas.

## Footnotes:

- a. \$14.00 per week for employees employed over 16 hours and \$.35 per hour for employees less than 16 hours during the week.
- b. \$20.00 per week for employees employed over 24 hours and \$.50 per hour for employees employed less than 24 hours during the week.
- c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.



## SUPERSEDES DECISION

STATE: Connecticut

COUNTY: New Haven

DATE: Date of Publication

DECISION NO.: AP-476

Supersedes Decision No. AP-448, dated November 25, 1972, in 37 FR 25140.

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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5-CORN-1-2-3-Q

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	M & W	Pensions	Vacation		
\$8.715	.42	.28		.01	
8.705	.50	10%			
8.47	.35+.15	.50			
8.35	.50	.25			
8.50	.15	.40			
8.91	.35+.15	.25			
8.52	.35+.15	.50			
7.65	.40	.25			
7.60	.40	.25			
7.75	.45	.20			
8.15	.25	.35			
8.12	.35	.20			
8.05	.40	.20		.01	
8.00	.50	.30			
8.30	.35	.20		.03	
8.80	.25	13+.20		1/8 of 1%	
7.75	.23	13+.20		1/8 of 1%	
8.40	.40	13+.20		.5%	
8.21	.345	.23	214a+b	.015	
5.75	.345	.23	214a+b	.015	
4.105					
5.30	.125	.125			
8.01	.47	.32			
9.30	.45	.44		.04	
6.60	.30	.30		.05	
6.85	.30	.30		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
		M & W	Pensions	Vacation		
Asbestos workers	\$8.715	.42	.28		.01	
Boiler makers	8.705	.50	10%			
Bricklayers, cement masons-finishers	8.47	.35+.15	.50			
marble setters, plasterers, stonemasons	8.35	.50	.25			
tarrazzo workers, tile setters (Building only):	8.50	.15	.40			
Milford-Devon						
Ansonia-Derby						
Meriden						
Beacon Falls-Middlebury-Milville-						
Naugatuck-Prospect-Waterbury-Meriden						
Wolcott-Thomaston, Woodbury						
Remainder of County	8.91	.35+.15	.25			
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway only):	8.52	.35+.15	.50			
Milford						
Remainder of County	7.65	.40	.25			
Carpenters, soft floor layers, piledrivers (Building only):	7.60	.40	.25			
Ansonia-Seymour-Derby-Orange	7.75	.45	.20			
Milford	8.15	.25	.35			
Wallingford-Meriden	8.12	.35	.20			
Cheshire-Middlebury-Prospect-South-						
bury-Waterbury-Wolcott-Beacon Falls-						
Naugatuck	8.05	.40	.20		.01	
Remainder of County	8.00	.50	.30			
Carpenters, Piledrivermen (Heavy & Highway only):	8.30	.35	.20		.03	
Electricians						
Beacon Falls-Middlebury-Naugatuck-						
Oxford-Prospect-Seymour-Southbury-						
Waterbury-Wolcott	8.80	.25	13+.20		1/8 of 1%	
Milford	7.75	.23	13+.20		1/8 of 1%	
Remainder of County	8.40	.40	13+.20		.5%	
Elevator Constructors	8.21	.345	.23	214a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	214a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford)	8.01	.47	.32			
Ironworkers:						
Structural, Ornamental & Reinforcing	9.30	.45	.44		.04	
Laborers (Building, Heavy & Highway):						
Laborers, Carpenter tenders, Wrecking	6.60	.30	.30		.05	
laborers						
Jackhammer operator, Mason tenders,						
Mortar mixer, Pipelayers, Plasterers'						
tenders, Power buggy operator	6.85	.30	.30		.05	

5-CORN-1-2-3-Q

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
		M & W	Pensions	Vacation		
Laborers (Building, Heavy & Highway Cont'd):	\$7.10	.30	.30		.05	
Air track operators, Wagon drill opera-	7.10	.30	.30		.05	
tors and Sandblasters	6.60	.30	.30		.05	
Open Air Caisson, Cylindrical Work and						
Boring Crew:						
Bottom man						
Top man						
Lathers:						
Beacon Falls-Bethany-Cheshire-Meriden-	8.75	.25	.15		.01	
Middlebury-Naugatuck-Oxford-Prospect-	8.52	.14	.20		.01	
Southbury-Waterbury-Wolcott	7.60	.30				
Remainder of County						
Lead Burners						
Line Construction:						
Milford:						
Linenmen, cable splicers, dynamite men	6.11	.15	.15			
Digger, equipment operators	5.21	.15	.15			
Truck Drivers	4.99	.15	.15			
Cable splicers' helpers	4.85	.15	.15			
Groundmen	4.39	.15	.15			
Beacon Falls-Middlebury-Naugatuck-						
Oxford-Prospect-Seymour-Southbury-						
Waterbury-Wolcott:						
Linenmen, dynamite men	5.18	.15	.15		1/8 of 1%	
Equipment operator	4.37	.15	.15		1/8 of 1%	
Groundman, experienced	3.41	.15	.15		1/8 of 1%	
Groundman, inexperienced	2.98	.15	.15		1/8 of 1%	
Remainder of County:						
Linenmen, dynamite men	5.18	.10	.15		1/8 of 1%	
Equipment operator	4.37	.10	.15		1/8 of 1%	
Groundman, truck driver	3.85	.10	.15		1/8 of 1%	
Groundman, experienced	3.41	.10	.15		1/8 of 1%	
Groundman, inexperienced	2.98	.10	.15		1/8 of 1%	
Marble setters' helpers, terrazzo work-						
ers' helpers, tile setters' helpers	7.65	.35	.15+.25			
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Sey-						
mour	4.75	.12				
Milford (Remainder of Township)	7.00	.25	.25			
Cheshire-Guilford-Madison-Meriden-						
Wallingford	7.25	.50	.20			
Milford (Up to Gulf Street)	6.40	.25	.25			
Remainder of County	6.40	.25	.25			
Structural Steel:						
Ansonia-Beacon Falls-Derby-Oxford-Sey-						
mour	5.75	.12				
Milford	8.00	.25	.25			
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Sey-						
mour	5.75	.12				
Cheshire-Guilford-Madison-Meriden-						
Wallingford	10.875	.50	.20			



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5-CORN-1-2-3-Q

5-CORN-1-2-3-Q 3 of 4

## BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION

## Painters (Cont'd):

Spray (Cont'd):

Milford (Up to Gulf Street)

Remainder of County

Commercial &amp; Industrial:

Middlebury-Naugatuck-Prospect-Roxbury-

Southbury-Waterbury-Wolcott

Bridge:

Cheshire-Guilford-Madison-Meriden-

Wallingford

Plumbers &amp; Steamfitters:

Milford

Ansonia-Beacon Falls-Bethany-Naugatuck-

Oxford-Prospect-Seymour

Middlebury-Southbury-Waterbury-Wolcott-

South Britain

Cheshire-Meriden-Wallingford

Remainder of County

Roofers:

Cheshire-Meriden-Prospect-Wallingford-

Wolcott:

Composition

Composition, Helpers, Class A

Composition, Helpers, Class B

Slate and Tile

Remainder of County:

Composition, Kettlemen

Slate and Tile

Precast slab

Precast slab helper

Precast slate helpers

Sheet metal workers

Sprinkler fitters

Waterproofers:

Cheshire-Meriden-Prospect-Wallingford-

Wolcott

Remainder of County

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

F-Christmas Day.

## FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

## FOOTNOTES (Cont'd):

c. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 43 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the Holiday.

d. Paid Holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the Holiday.

e. Paid Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid Holidays: C and D; providing the employee works the day before and the day after the holiday.

g. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.

h. Paid Holidays: B through E.

j. Paid Holidays: A through F, plus Good Friday.

k. Paid Holidays: C, D and E.

l. Paid Holiday: Labor Day.

m. Paid Holidays: D

n. Paid Holidays C and D.



# NOTICES

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SW-CONS-1-Q

Basic Hourly Rates	Fringe Benefits Payments				Dtl
	M & W	Pensions	Vacation	App. Tr.	
Power equipment operators building construction: Perrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick, tower crane, dragline, gradall, hoist, Kobering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift) Maintenance engineer Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yds.) Asphalt spreader Bulldozer Grader, scraperpan, carryall operator Combination hoe and loader Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader Compressor, generator, pump & well point opt., welding machine, air steam valve ops., mechanical heater ops. Steam Jenny, fork lift (not over 4 ft.) Boiler operators Dinky machine ops., firemen (high pressure), power pavement breaker Oiler Crane with boom, over 150 ft. Additional: \$25 per hour Crane with boom, over 200 ft. Additional: \$50 per hour Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.	.30	.254a	b		
8.32	.30	.254a	b		
8.15	.30	.254a	b		
8.05	.30	.254a	b		
7.90	.30	.254a	b		
7.90	.30	.254a	b		
7.80	.30	.254a	b		
7.70	.30	.254a	b		
7.70	.30	.254a	b		
7.65	.30	.254a	b		
7.53	.30	.254a	b		
7.55	.30	.254a	b		
7.50	.30	.254a	b		
7.35	.30	.254a	b		
6.90	.30	.254a	b		

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SW-CONS-2-3-JJ

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
Power equipment operators heavy & highway construction: Erecting and handling structural steel, front end loader (7 yds. or over) Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheet-piling, Kobering loader (scoop) Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 4 yds.) Asphalt spreader Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader Asphalt roller, bulldozer, carryall, maintenance engineer Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine Compressor, pump opt. Fireman, high pressure Well point system Compressor battery operator Oiler Batch plant, bulk cement plant, oiler Crane with 150 ft. boom - additional \$25 per hour Crane with 200 ft. boom - additional \$50 per hour Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day. FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.	.30	.254a	b	.05	
8.25	.30	.254a	b	.05	
8.15	.30	.254a	b	.05	
7.90	.30	.254a	b	.05	
7.75	.30	.254a	b	.05	
7.65	.30	.254a	b	.05	
7.50	.30	.254a	b	.05	
7.35	.30	.254a	b	.05	
7.17	.30	.254a	b	.05	
7.25	.30	.254a	b	.05	
7.33	.30	.254a	b	.05	
7.90	.30	.254a	b	.05	
6.90	.30	.254a	b	.05	
6.90	.30	.254a	b	.05	



AP-269 P. 2

## SUPERSEDES DECISION

STATE: Nevada  
 COUNTY: Washoe  
 DECISION NO.: AP-269  
 DATE: Date of Publication  
 Supersedes Decision No. AM-6,198 dated November 19, 1971 in 36 FR 22112  
 Description of Work: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
ASBESTOS WORKERS	\$8.87	.40	.35	.90	.04	
ROILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
ZONE A: Within 15 mi. radius of court house in Reno	8.45	.40			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	8.80	.40			.01	
ZONE C: Within 35 to 75 mi. radius of court house in Reno	9.20	.40			.01	
BRICK TENDERS:						
ZONE A: 0-15 mi. from court house in Reno	6.50	.40	.20			
ZONE B: 15-35 mi. from court house in Reno	6.85	.40	.20			
ZONE C: 35-75 mi. from court house in Reno	7.25	.40	.20			
CARPENTERS:						
Carpenters	6.25	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
CEMENT MASONS:						
Cement Masons	6.70	.50	.40	1.00	.01	
Magnesite Composition; Mastic Troweling Machine	6.95	.50	.40	1.00	.01	
ELECTRICIANS:						
Electricians	8.24	.53	134.25		.01	
Cable Splicers	9.04	.53	134.25		.01	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2244		
ELEVATOR CONSTRUCTORS' HELPERS	704JR	.345	.23	2244		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	504JR	.15	.25	81		
GLAZIERS	7.605					
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
LATHERS	6.46	.20	.10		.01	
PAINTERS:						
Brush	6.85	.30	.20	.40		
Spray; Structural Steel	7.10	.30	.20	.40		
PLASTERERS	7.00	.45	.40			
PLASTERERS' TENDERS:						
Zone A: Less than 75 mi. from Reno	6.25	.40	.30			
Zone B: Over 75 mi. from Reno	6.375	.40	.30			
Working on Hardwall Gun (except light texture mixture):						
Zone A: Less than 75 mi. from Reno	6.50	.40	.30			
Zone B: Over 75 mi. from Reno	6.625	.40	.30			
PLUMBERS; Steamfitters	8.10	.30	.60	1.55	.05	

ROOFERS  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS  
 TILE SETTERS:  
 ZONE A: Within 15 mi. radius of court house in Reno  
 ZONE B: Within 15 to 35 mi. radius of court house in Reno  
 ZONE C: Within 35 to 75 mi. radius of court house in Reno

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
 a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.  
 Six Paid Holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
ROOFERS	\$7.70	.25	.05			.02
SHEET METAL WORKERS	7.90	.59	.90	10%		.02
SOFT FLOOR LAYERS	8.35	.30	.20			
TILE SETTERS:						
ZONE A: Within 15 mi. radius of court house in Reno	7.60	.30				.01
ZONE B: Within 15 to 35 mi. radius of court house in Reno	7.95	.30				.01
ZONE C: Within 35 to 75 mi. radius of court house in Reno	8.35	.30				.01



## NOTICES

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## LABORERS:

**GROUP I**  
Asphalt Workers (Ironers, Shovelers, Cutting machine); Buggymobile; Chain-saw, Feller, Logloader and Bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete pan work (breadpan type); (handling, cleaning, stripping); Concrete Saw, Chipping, Gridding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Hand-guided lagging hammer; Curbing on Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender, Form Kaiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Rebarboardman; Jackhammer. Pavement Breaker, Air Spade, Mastic Workers (wet or dry); Pipe wrapper, Kettelman, Potman, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group V; Pipe-jacking; Posthole Digger (air, gas, or electric) Post Driver; Blirap-Stone-paver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototill-er; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibrascreed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

**GROUP II**  
Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-Skilled wreckers (salvaging of building materials other than those listed in Group I)

## LABORERS: (Cont'd)

**GROUP III**  
All cleanup work of debris, grounds, and buildings including windows & tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brush-loader and Piler

**GROUP IV**  
Burning and Welding in connection with laborers' work

**GROUP V**  
Joy Drill Model TWM-2A, Gardner Denver Model DML43 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Sewerline, Gas-line, Conduit; Asphalt Rakers

**GROUP VI**  
Nozzlemans, Rodman  
Curman, Materialman  
Reboundman

	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & W	Pensions	Vacation	App. Tn.	
	5.80	.40	.30			
	6.15	.40	.30			
	6.30	.40	.30			
	6.60	.40	.30			
	6.30	.40	.30			
	5.55	.40	.30			
	\$ 6.05	.40	.30			
	5.90	.40	.30			



AREA (1) That area within 25 mi radius of the Reno City Hall  
 AREA (2) Remaining area outside of the 25 mi radius of Reno City Hall

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AREA (2)		AREA (1)		Fringe Benefits Payments			
Basic Hourly Rates		Basic Hourly Rates		H & W	Pensions	Vacation	App. I
Truck Drivers: All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):							
Under 4 yds. (water level)	\$ 6.15	5.40		.41	.25	.25	
4 yds. & under 8 yds. (water level)	6.35	5.60		.41	.25	.25	
8 yds. & under 18 yds. (water level)	6.55	5.80		.41	.25	.25	
18 yds. & under 35 yds. (water level)	6.70	5.95		.41	.25	.25	
35 yds. & under 60 yds. (water level)	6.95	6.20		.41	.25	.25	
60 yds. & over	7.10	6.35		.41	.25	.25	
Transit Mix:							
Under 8 yds.	6.55	5.80		.41	.25	.25	
8 yds. & incl. 12 yds.	6.65	5.90		.41	.25	.25	
Over 12 yds.	6.85	6.10		.41	.25	.25	
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.							
Water Trucks:							
Up to 2,500 gals.	6.35	5.60		.41	.25	.25	
2,500 gals. & over	6.45	5.70		.41	.25	.25	
Semi Trailers	6.55	5.80		.41	.25	.25	
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers							
	6.70	5.95		.41	.25	.25	
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseback low bed), Tiltbed or Flatbed Full Trailers							
	6.45	5.70		.41	.25	.25	
Bootman, combination Bootman and Road Oiler	6.60	5.85		.41	.25	.25	
Road Oil Truck or Bootman	6.30	5.55		.41	.25	.25	
Flat Back (single unit) (2 axle unit)	6.20	5.45		.41	.25	.25	
Flat Back (single unit) (3 axle unit)	6.30	5.55		.41	.25	.25	

# TRUCK DRIVERS (Cont'd):

Truck Drivers:  
 Bus and Manhaul Drivers:  
 Up to 18,000 lbs (single unit)  
 18,000 lbs & over (single unit)  
 Helicopter Pilot (when transporting  
 men or materials)  
 Industrial Lift Truck - Use Appropri-  
 ate Flat Rack Rate (mechanical tail-  
 gate)  
 Lift Jitrays and Fork Lift  
 Winch Truck & "A" Frame Drivers:  
 Under 18,000 lbs.  
 18,000 lbs. & over  
 Warehousemen Spotters Teamsters  
 Tire Repairman  
 Truck Repairman  
 Pick-up Truck & Pilot Cars (job site)  
 Truck Oiler & Greaser, Fuel Truck  
 Driver, Fuel Man & Fuel Island Man

AREA (2)		AREA (1)		Fringe Benefits Payments			
Basic Hourly Rates		Basic Hourly Rates		H & W	Pensions	Vacation	App.
6.20	5.45			.41	.25	.25	
6.30	5.55			.41	.25	.25	
7.10	6.35			.41	.25	.25	
6.40	5.65			.41	.25	.25	
6.30	5.55			.41	.25	.25	
6.40	5.65			.41	.25	.25	
6.10	5.35			.41	.25	.25	
6.40	5.65			.41	.25	.25	
6.85	6.10			.41	.25	.25	
6.20	5.45			.41	.25	.25	
6.30	5.55			.41	.25	.25	



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1-NEV-FED-1-2-3-e (2-5)

## POWER EQUIPMENT OPERATORS (Cont'd)

GROUP VI

AREA 1*	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. To Others
GROUP I					
ASSISTANT TO ENGINEER, Including Brake-man, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partisan (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.56	.55	1.00	.65	.31
GROUP II					
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31
GROUP III					
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31
GROUP IV					
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Bomman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.45	.55	1.00	.65	.31
GROUP V					
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradosetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31

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1-NEV-FED-1-2-3-e (1-5)

## POWER EQUIPMENT OPERATORS (Cont'd)

GROUP VI

AREA 1*	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. To Others
GROUP I					
ASSISTANT TO ENGINEER, Including Brake-man, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partisan (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.56	.55	1.00	.65	.31
GROUP II					
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31
GROUP III					
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31
GROUP IV					
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Bomman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.45	.55	1.00	.65	.31
GROUP V					
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradosetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31



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1-NEV-PEO-1-2-3-e (3-5)

AREA 1\*

## POWER EQUIPMENT OPERATORS (CONT'D):

## GROUP VII (CONT'D)

(Certified); Surface Heater & Planer;  
Trenching Machine (maximum digging  
capacity 3 ft. depth) Truck Type  
Loader; Welding Machines (Gasoline or  
Diesel) (2 to 6)

## GROUP VIII

ASPHALT PLANT ENGINEER; CAR PASTER;  
Cast-in-place Pipe Laying Machine;  
Combination Slusher & Motor; Dozer;  
Concrete Batch Plant - (Multiple  
Units); Elevating Grader; Heavy-Duty  
Bespinner and/or Welder; Non-Seal;  
Loader (up to and including 2 1/2 cu.  
yds.); Mechanical Trench Shield, Mixer-  
mobile; Push Cuts; Road Oil Mixing  
Machine Wood-Mixer (and other similar  
Pugmill equipment); Rubber Tired  
Earthmoving Equipment (up to and in-  
cluding 35 cu. yds. "struck", M.R.C.,  
Euclids, T-Pulls, 10's 10, 20, 21 and  
similar); Self-propelled Compactor  
with Booter/Sheepfoot; Small Tractor  
(with boom); Soil Stabilizer (P & H  
or equal); Timber Skidder (rubber  
tire) or similar equipment; Tractor;  
Tractor Drawn Scraper; Tractor Mounted  
Compressor Drill Combination; Trench-  
ing Machine (over 3 ft. depth); Tri-  
Batch Paver; Tunnel Bagger or Tunnel  
Boring Machine; Tunnel Mole Boring  
Machine;

## GROUP IX

CANAL FINGER DRAIN DIGGER; Chicago Boom  
Combination Backhoe and Loader (up to  
& including 3/8 yds.); Combination  
Mixer and Compressor (gunnite); Lull  
Rt-Lift (20 ft. or over); Mucking Ma-  
chine; Tractor (with boom) (D6 or  
larger); Track Laying Type Earth Mov-  
ing Machine (single engine with tandem  
scraper); Sub-Grader (Curries or other  
types);

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(4-5)

## POWER EQUIPMENT OPERATORS (CONT'D):

## GROUP X

BOOM-TYPE BACKFILLING MACHINE; Back Hoe  
(up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1  
cu. yd.) (Cable); Bridge Crane; Cranes  
(not over 25 tons) (hammerhead and  
gantry); Carry-lift or slilar; Chemi-  
cal Grouting Machine; Derricks (2  
Group 10 Operators required when swing  
engine remote from hoist); Derrick  
Barges (except excavation work) Euclid  
Loader similar types; Grade-alls (up  
to and including 1 cu. yd.); Heavy  
Duty Rotary Drill Rigs (including  
casisson foundation work and Robbins  
type drills); Lift-Slab (Vagborg and  
similar types); Loader (over 2 1/2 yds.  
up to and including 4 yds.); Locomo-  
tive (over 100 tons) (single or multi-  
ple units); Motor Patrol Op.; Multiple  
Engine Earth Moving Machines (Euclids,  
Bozers, etc.) (No tandem scraper);  
Power Shovels, Clambells, Draglines,  
Cranes (up to and including 1 cu. yd.)  
Pre-Stress Wire Wrapping Machines;  
Self-propelled reservoir-débris equip-  
ment floating (200 h.p. and over);  
Shuttle Car (Reclaim Station); Single-  
Engine Scraper (over 35 cu. yds.)  
Vacuum Cooling Plant; Whirley Crane  
(up to and including 25 tons) Rubber  
tired Scraper (self-loading)

## GROUP XI

AUTOMATIC ASPHALT OR CONCRETE SLIP  
FORM PAYER; Automatic Railroad Car  
Dumper; Canal Finger Drain Backfiller;  
Canal Trimmer; Cranes (over 25 tons);  
Highline Cableway Operator; Loader  
(over 4 yds. up to and including 12  
cu. yds.); Multi-Engine Earthmoving  
Equipment (up to and including 75 cu.  
yds. "struck" M.R.C.); Power Shovels,  
Clambells, Draglines, Backhoes,  
Grade-alls (over 1 yd. and up to and  
including 7 cu. yds. M.R.C.); Self-  
propelled Compactor (with multiple  
propulsion power units); Single  
Engine Rubber Tired Earth-Moving  
Machine (with Tandem Scraper); Slip  
Form Paver (concrete or asphalt (1  
Operator and 2 Screedmen); Tandem

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
7.86	.55	1.00	.65	.31	8.53	.55	1.00	.65	.31
8.16	.55	1.00	.65	.31	8.53	.55	1.00	.65	.31
8.34	.55	1.00	.65	.31	8.53	.55	1.00	.65	.31



## POWER EQUIPMENT OPERATORS (Cont'd)

## GROUP XI (Cont'd)

Cats and Scrapers; Tower Crane Mobile Universal Liebherr & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Wheel Cranes (over 25 tons)

GROUP XII-A  
BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Families	Vacation	App. To	
8.76	.55	1.00	.65	.31	
9.63	.55	1.00	.65	.31	

## POWER EQUIPMENT OPERATORS:

## GROUP I

ASSISTANT TO ENGINEER, including Brake-man, Deckhand, Fireman, Heavy Duty Repairman Helper, Oilier, Partisan (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

GROUP II  
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oilier (Truck Crane); Pump; Tar Pot Fireman (power agitated)

GROUP III  
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Back); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomast; Screedman (except asphaltic or concrete paving)

GROUP IV  
RAILROAD JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

GROUP V  
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Grader, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

GROUP VI  
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Factor or similar; Chip Box Spreader (Flakerty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways,

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Families	Vacation	App. To	
7.56	.55	1.00	.65	.31	
7.87	.55	1.00	.65	.31	
8.03	.55	1.00	.65	.31	
8.45	.55	1.00	.65	.31	
8.62	.55	1.00	.65	.31	



AREA 2**		AP-269 P. 13		3-NEW-FED-1-2-3-e		(2-5)		AP-269 P. 14		3-NEW-FED-1-2-3-e		(3-5)	
POWER EQUIPMENT OPERATORS (Cont'd)		GROUP VI (Cont'd)		GROUP VII		GROUP VIII		POWER EQUIPMENT OPERATORS (Cont'd)		GROUP IX		GROUP X	
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. To	Others	Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. To	Others
streets, airports, canals; Highline Cableway Signalman; Locomotives (over 30 tons); Maginets International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Taper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors		8.71	.55	1.00	.65	.31			9.16	.55	1.00	.65	.31
GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kollman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester (certified); Surface Master & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)		8.86	.55	1.00	.65	.31			9.34	.55	1.00	.65	.31
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gummit); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (DS or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gourries or other types);													
GROUP X BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. by-drawal); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Carry-lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid													



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3-NEV-PEO-1-2-3-e (5-5)

AREA 2\*\*

## POWER EQUIPMENT OPERATORS (Cont'd):

GROUP XI-A  
 BAND WAGONS (in conjunction with Wheel  
 Excavators); Loader (over 12 cu. yds.);  
 Multi-Engine Earth Moving Equipment  
 (over 75 cu. yds. "struck" M.R.C.);  
 Operator of Helicopter (when used in  
 construction work); Power Shovels &  
 Draglines (over 7 cu. yds. M.R.C.);  
 Remote Controlled Earth Moving Equip-  
 ment; Wheel Excavator (over 750 cu.  
 yds. per hour)

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
10.63	.55	1.00	.65	.31

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3-NEV-PEO-1-2-3-e (4-5)

AREA 2\*\*

POWER EQUIPMENT OPERATORS (Cont'd):  
GROUP X (Cont'd)

Loader similar types; Grade-allis (up  
 to and including 1 cu. yd.); Heavy  
 Duty Rotary Drill Rigs (including  
 caisson foundation work and Ribbins  
 type drills); Lift-Slab (Wagborg and  
 similar types); Loader (over 2 1/2  
 yds. up to and including 4 yds.);  
 Locomotive (over 100 tons) single or  
 multiple units); Motor Patrol Op.;  
 Multiple Engine Earth Moving Machines  
 (Euclid, Dozers, etc.) (no tandem  
 scraper); Power Shovels, Clamshells,  
 Draglines, Cranes (up to and including  
 1 cu. yd.) Pre-Stress Wire Wrapping  
 Machines; Self-propelled reservoir-  
 debris equipment floating (200 h.p.  
 and over); Shuttle Car (Reclaim Sta-  
 tion); Single-Engine Scraper (over 35  
 cu. yds.) Vacuum Cooling Plant;  
 Whirley Crane (up to and including 25  
 tons) Rubber tired Scraper, Self Load-  
 ing

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
9.53	.55	1.00	.65	.31

GROUP XI  
 AUTOMATIC ASPHALT OR CONCRETE SLIP  
 FORM PAYER; Automatic Railroad Car  
 Dumper; Canal Finger Drain Backfiller;  
 Canal Trimmer; Cranes (over 25 tons);  
 Highline Cableway Operator; Loader  
 (over 4 yds. up to and including 12  
 cu. yds.); Multi-Engine Earthmoving  
 Equipment (up to and including 75 cu.  
 yds. "struck" M.R.C.); Power Shovels  
 Clamshells, Draglines, Backhoes,  
 Grade-allis (over 1 yd. and up to and  
 including 7 cu. yds. M.R.C.); Self-  
 propelled Compactor (with multiple  
 propulsion power units); Single Engine  
 Rubber Tired Earth-Moving Machine  
 (with Tandem Scraper); Slip Form Paver  
 (concrete or asphalt) (1 Operator and  
 2 Screedmen); Tandem Cuts and Scrapers;  
 Tower Crane Mobile Universal Liebherr &  
 Tower Cranes (and similar types);  
 Wheel Excavator (up to and including  
 750 cu. yds. per hour). Whirley  
 Cranes (over 25 tons)



\*\* AREA 2: All areas not included within Area 1 as defined below.

\* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo  
 Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E;

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

Thence Southerly along the Easterly line of range 23E to the intersection of  
 the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border  
 to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the  
 following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 53E;

Thence Southerly to the S.W. corner of township 37N, range 53E;

Thence Easterly to the S.E. corner of township 37N, range 53E;

Thence Southerly to the N.E. corner of township 31N, range 53E;

Thence Westerly to the N.W. corner of township 31N, range 53E;

Thence Southerly to the S.W. corner of township 31N, range 53E;

Thence Westerly to the S.E. corner of township 31N, range 53E;

Thence Northerly to the N.E. corner of township 31N, range 53E;

Thence Westerly to the S.E. corner of township 31N, range 51E;

Thence Northerly to the point of beginning.



STATE: Rhode Island

DECISION NO.: AP-484

COUNTY: Newport

DATE: Date of Publication

Supersedes Decision No. AP-428, dated September 29, 1972, in 37 FR 20480.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

## 3-BI-1-G

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tn. Other
<b>BUILDING CONSTRUCTION</b>					
Asbestos workers	8.70	.39	.35		
Boilermakers	8.705	.50	10%		
Bricklayers, stonemasons	8.57	.25	.35		
Carpenters:					
Little Compton, Tiverton:					
Carpenters & soft floor layers	7.40	.30	.30		
Millwrights	7.75	.30	.30		
Remainder of County:					
Carpenters and soft floor layers	8.15	.25	.25		
Millwrights and Piledriverman	8.75	.25	.25		
Cement masons	7.95	.50	.35		
Electricians:					
Little Compton, Tiverton	7.20	4%	1%		
Remainder of County	8.15	.18	1%		
Elevator constructors	6.87	.17	.185		
Elevator constructors' helpers	4.81	.17	.185		
Elevator constructors' helpers (Prob.)	3.435				
Glaziers	7.74	.42	.30		
Ironworkers:					
Str., orn., & reinf.	7.70	.45	.80+.50		
Laborers:					
Laborers, Building:					
Laborers, Carpenters tender, cement finisher tender, mason tender	6.50	.40	.40		
Jackhammers, paving breaker, chain saw					
Pipelayers, mechanical grinder, all other pneumatic tools, barco type					
Jumping tampers	6.75	.40	.40		
Plaster tenders	6.30	.25	.25		
Foodmen blasters	7.25	.40	.40		
Laborers, Wrecking:					
Laborers, signalmen	6.50	.40	.40		
Adman, burner, jackhammer	6.75	.40	.40		
Lathers	5.75	.25	.20		
Lead burners	7.80	.30			
Line Construction:					
Little Compton, Tiverton:					
Linenmen and cable splicers	5.45	.15	1%	.15+4	
Dynamite man, crane, tractor and digger op., welder	5.45	.15	1%	.15+4	
Pole truck driver and winch truck operator	4.85	.15	1%	.15+4	
Driver-groundman, Equipment op.	4.63	.15	1%	.15+4	
Groundman (experienced)	4.20	.15	1%	.15+4	
Groundman (inexperienced)	3.85	.15	1%	.15+4	

## 3-BI-1-G

2 of 3

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tn. Other
<b>BUILDING CONSTRUCTION</b>					
Line Construction (Cont'd):					
Remainder of County:					
Linenmen	7.14	.20	1%	e	
Groundmen	5.07	.20	1%	e	
Equipment operator	6.31	.20	1%	e	
Driver groundman	5.58	.20	1%	e	
Painters:					
Little Compton & Tiverton Tps.:					
Brush	5.35	.30	.20	.20	
Structural steel	7.70	.30	.20	.20	
Structural steel spray	7.70	.30	.20	.20	
Spray (other than steel)	6.35	.30	.20	.20	
Remainder of County:					
Brush	6.95	.25	.25	.25	
Structural steel	7.20	.25	.25	.25	
Spray	7.95	.25	.25	.25	
Marble setters, terrazzo workers and tile setters	8.55	.25	.35	.35	
Marble, tile and terrazzo helpers	7.23	.20	.50	.50	
Plasterers	8.50	.35	.35	.35	
Plumbers	8.55	.35	.35	.35	
Roofers:					
Composition, waterproofers	7.85	.20	.25	.25	
Slate, tile, precast concrete	8.05	.20	.25	.25	
Helpers, Class "a"	7.00	.20	.25	.25	
Helpers, Class "b"	6.45	.20	.25	.25	
Sheet metal workers	8.43	.36	.35	.35	.02
Sprinkler fitters	9.07	.30	.50	.50	.01
Steamfitters	8.82	.35	.80	.80	.03
Truck drivers, Building:					
Dumps & 2-axle equipment	5.31	.30	.50	.50	
Trailers & 3-axle equipment	5.39	.30	.50	.50	
Low bed trailers (24 tons & over, 1-beam trailers, Special earth moving equipment (Euclid type)					
Euclid type equipment over 35 ton capacity	5.64	.30	.50	.50	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.	5.89	.30	.50	.50	
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					







## HEAVY, HIGHWAY &amp; MARINE CONSTRUCTION

Plumbers  
Waterproofers

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. Holidays B, C, and F providing employee works one day before & one day after the Holiday.
- b. Holidays A through F, Bunker Hill Day provided the employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

## BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yrs. and over  
Economy type equipment  
Pork lift  
Firemen and Oilers  
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yrs.  
Pipin type backhoes  
Maintenance Engineers  
Well-point installation  
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$9.35	.40	.40		.05	
9.10	.40	.40		.05	
8.85	.40	.40		.05	
7.65	.40	.40		.05	
8.00	.40	.40		.05	
8.30	.40	.40		.05	
7.90	.40	.40		.05	
8.05	.40	.40		.05	
8.20	.40	.40		.05	



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BRIDGES, CAISSONS, DOCKS, MARINE, Piers, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Basic Monthly Rates	FRINGE BENEFIT PAYMENTS				Other
	H & W	Retire	Vacation	Asp. Tr.	
\$10.01	.40	.40	.05		
8.01	.40	.40	.05		
8.65	.40	.40	.05		
8.33	.40	.40	.05		
8.85	.40	.40	.05		
8.65	.40	.40	.05		
10.05	.40	.40	.05		
8.15	.40	.40	.05		

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over  
Fireman and Oilers  
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds  
Maintenance Engineers  
Well-point Installation Crews  
Gas or electric driven pumps, hoisters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants  
Boat and Tug Operators  
Apprentices (Deckhands)

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R.I., I-1-FED-3-7

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR

Basic Monthly Rates	FRINGE BENEFIT PAYMENTS				Other
	H & W	Retire	Vacation	Asp. Tr.	
\$9.15	.40	.40			
8.35	.40	.40			
7.75	.40	.40			
6.90	.40	.40			
7.65	.40	.40			
7.775	.40	.40			
8.00	.40	.40			
7.50	.40	.40			
7.775	.40	.40			
6.625	.40	.40			
7.60	.40	.40			
9.65	.40	.40			
9.90	.40	.40			
9.65	.40	.40			
9.90	.40	.40			

Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and automobile & cross carriers  
Fork lifts  
Fireman  
Oilers and apprentices  
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors  
Scrapers and graders & dozer operators  
Pipin type backhoe operator  
Maintenance engineers  
Gas and electric driven hammers, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps  
Test Spring machine operators  
Well point installation crews  
Operators of truck cranes with booms of 130 to 150 feet  
over 150 feet  
Operators of cat cranes with booms of 150 to 180 feet  
over 180 feet



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RHODE ISLAND-1-JD-2-1, J

## HEAVY &amp; HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	\$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4.5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTES:						
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.						
b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.						

[FR Doc. 73-4894 Filed 3-15-73; 8:45 am]







# Available Reference Tool

The following information is provided for your reference. It is intended to assist you in understanding the various aspects of the project and the resources available to you. The information is organized into several sections, each covering a different aspect of the project. The first section, "Project Overview," provides a general overview of the project and its goals. The second section, "Project Objectives," lists the specific objectives of the project. The third section, "Project Scope," describes the scope of the project and the resources available to you. The fourth section, "Project Timeline," provides a timeline of the project and the expected completion dates. The fifth section, "Project Budget," provides a budget for the project and the expected costs. The sixth section, "Project Risks," identifies the risks associated with the project and the measures to be taken to mitigate them. The seventh section, "Project Communication," describes the communication plan for the project and the expected frequency of communication. The eighth section, "Project Evaluation," provides a framework for evaluating the project and its results. The ninth section, "Project Conclusion," provides a summary of the project and the lessons learned. The tenth section, "Project Appendix," contains additional information related to the project, including a list of references and a glossary of terms.



# An Invaluable Reference Tool



1972/73 Edition

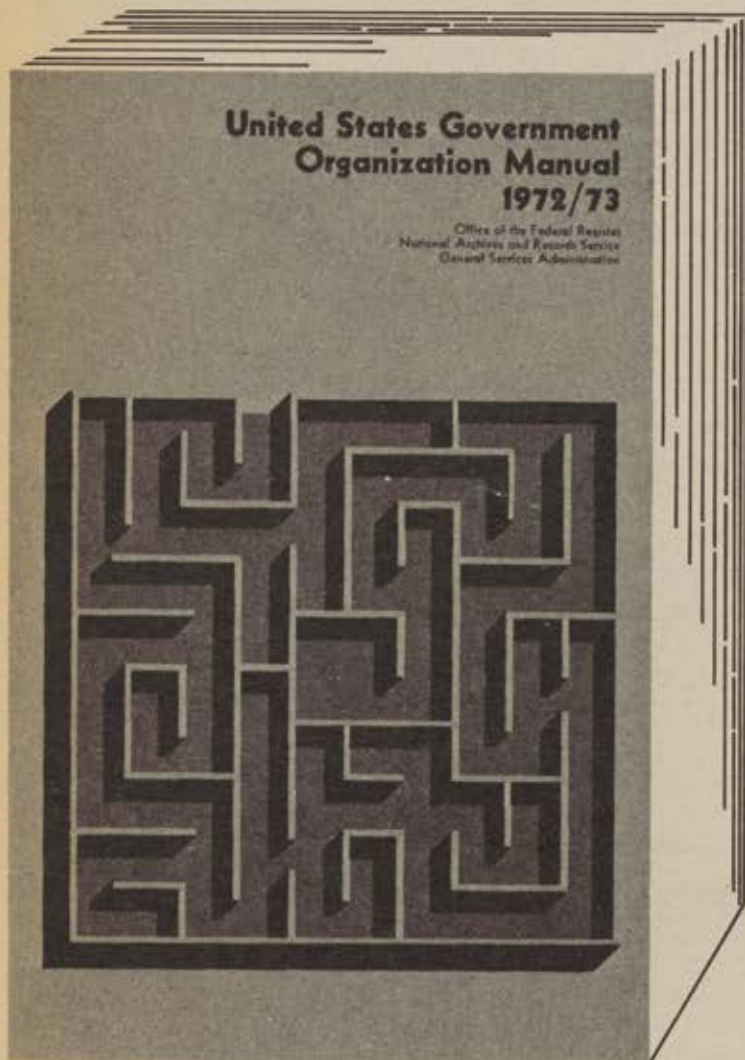
This guidebook provides information about significant programs and functions of the U.S. Government agencies, and identifies key officials in each agency.

Included with most agency statements are "Sources of Information" sections which give helpful information on:

- Employment
- Contracting with the Federal Government
- Environmental programs
- Small business opportunities
- Federal publications
- Speakers and films available to civic and educational groups

This handbook is a "must" for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

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