AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

FRIDAY, JANUARY 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 17

Pages 2411–2668

PART I



(Part II begins on page 2561)

(Part III begins on page 2649)

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.

ENVIRONMENTAL IMPACT STATEMENTS—Proposed Labor Dept. procedures for Federal agency actions affecting occupational health and safety; comments by 2–24–73 2465

ANTI-POLLUTION CONSTRUCTION STANDARDS—DoT proposals for tank ships and barges; comments by 3–15–73 2467

POISON PREVENTION PACKAGING—FDA grants temporary exemption on 12-tablet metal containers of aspirin; comments by 2–12–73 2487

PESTICIDES—EPA establishes tolerance for an insecticide residues on fresh prunes 2428

AIR FREIGHT RATES—CAB suspends proposed increases in rates between the mainland and points in Alaska, Hawaii and Puerto Rico 2489

INSURANCE AND LOANS—

HUD changes debenture interest rates for mortgage insurance and home improvement loans; effective 1–1–73 2417

DoT establishes procedures for filing applications under Emergency Rail Facilities Restoration Act; effective 1–2–73 2435

SHIPPING—

Commerce Dept. temporary rules relating to capital construction funds 2430

Maritime Comm. extends comment period to 2–14–73 on proposal relating to conditions unfavorable in foreign trade 2468

(Continued inside)

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	37 FR page No. and date
FAA—Airborne ATC transponder equipment	28495; 12–27–72

federal register

Area Code 202 Phone 962–8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

OCCUPATIONAL SAFETY—
Labor Dept. approves State plans for New Jersey, North Dakota and Washington (3 documents), 2421, 2423, 2426
Labor Dept. requests comments by 2–4–73 regarding safety requirements for operation of mechanical power presses 2465

SECURITIES—SEC proposes to define and clarify certain terms and conditions of the intrastate offering exemption; comments by 3–15–73 2468

LONGSHOREMEN'S AND HARBOR WORKERS COMPENSATION—Extensive revisions and recodification of Labor Dept. rules (2 documents) 2650

PUBLIC LANDS—Interior Dept. announces openings in New Mexico 2473

AGRICULTURAL COMMODITIES—
USDA amends reporting requirements for cotton and potatoes; effective 2–26–73 2445
USDA increases inspection fees for produce in destination markets; effective 2–4–73 2439
USDA rules on rice reserve and pool acreages and allotments; effective 1–19–73 2439

INCOME TAX—
IRS clarifies treatment of certain debts charged off by banks or other regulated corporations 2417
IRS holds public hearing 3–1–73 on treatment of political campaign contributions in form of appreciated property 2472

FREEDOM OF INFORMATION—Labor Dept. regulations on access to records 2418

DIPLOMATIC PRIVILEGES—Customs Bur. clarifies privileges accorded personnel of foreign governments and international organizations; effective 2–26–73 2448

ANIMAL WELFARE—USDA proposes to amend import regulations for commercial birds; comments by 2–26–73 2463

BROADCASTING—FCC amendments regarding phase monitors and inspection of remotely controlled directional stations; effective 4–20–73 2430

ELECTRIC GENERATION FACILITIES—REA proposes supplemental bulletin to set forth revised borrowing and procurement policy; comments by 2–26–73 2464

MEETNGS—
HEW: Nat'l Institute of Health, Advisory Committee to the Director, 2–22 and 23–73 2488
Advisory Committee on Poison Prevention Packaging, 2–1 and 2–2–73 2487
Justice Dept: Bureau of Narcotics and Dangerous Drugs, Advisory Committee on Research and Development, 1–30–73 2472
DoT: YOUTHS Highway Safety Advisory Committee, 2–3 and 2–4–73 2488
State Dept.: Advisory Commission on International Educational and Cultural Affairs, 2–2–73 2472
Council on Environmental Quality: Advisory Committee on Alternative Automotive Power Systems, 1–29 and 30–73 2490
SEC: Broker Dealer Model Compliance Program Advisory Committee, 1–29–73 2501
Railroad Retirement Board: Actuarial Advisory Committee, 2–22–73 2498

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Fresh fruits, vegetables, and other products; basis for charges 2439
Navel oranges grown in Arizona and California; handling limitation 2441

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Rice; State reserve acreage; county acreage allotments, and reserve acreages, 1973 crop rice 2439

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Exchange Authority; Rural Electrification Administration.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined and released 2441
Overtime services relating to imports and exports; administrative instructions prescribing commuted travel time allowances 2442

Proposed Rule Making

Importation of birds; relief of restrictions 2463

Notices

Domestic animal dealers; list of licensed dealers 2473

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Mutual mortgage insurance and insured home improvement loans; contract rights and obligations; debenture interest rates 2417

(Continued on next page)

ATOMIC ENERGY COMMISSION

Rules and Regulations

Special and directed sources of supply; procurement of special items; jewel bearings 2429

Notices

Californium-252 prices; modification of standard forms and handling charges 2489
Northern States Power Co.; supplemental notice of hearing on facility operating license 2489

CIVIL AERONAUTICS BOARD

Notices

Expanded application of Category Z fares; hearing 2489
Investigation of air express rates; order of suspension 2489

COAST GUARD

Rules and Regulations

Hutchinson River, New York; drawbridge operation regulations 2428

Proposed Rule Making

Construction requirement for tank ships 2467
Drawbridge operation regulations:
Menominee River, Wis 2466
Spa Creek, Md 2466

COMMERCE DEPARTMENT

See Import Programs Office; Maritime Administration; National Oceanic and Atmospheric Administration.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list; addition to initial list 2490

COMMODITY EXCHANGE AUTHORITY

Rules and Regulations

Reports by merchants, processors, and dealers; information required for cotton and cotton products, and for potatoes and potato products 2445

CUSTOMS BUREAU

Rules and Regulations

Personal declarations and exemptions 2448

EMPLOYEES' COMPENSATION BUREAU

Rules and Regulations

Deletion and transfer of regulations 2650

EMPLOYMENT STANDARDS ADMINISTRATION

Rules and Regulations

Longshoremen's and Harbor Workers' Compensation Act and related statutes; implementation regulations 2650

Notices

Minimum wages for Federal and federally assisted construction; area wage determination decisions, modifications and supersedeas decisions 2562

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

2-(*p* - *tert* - Butylphenoxy) cyclohexyl 2-propynyl sulfite; tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities 2428

ENVIRONMENTAL QUALITY COUNCIL

Notices

Advisory Committee on Alternative Automotive Power Systems; meeting 2490
Environmental impact statements; public availability 2491

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments 2443
VOR Federal airway; extension 2443

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio broadcast services; remote indicating phase monitors and inspection requirements for remotely controlled directional stations 2430

FEDERAL HOME LOAN BANK BOARD

Notices

ISI Corp.; receipt of application for approval of acquisition of control of Avalon Savings and Loan Association 2492

FEDERAL MARITIME COMMISSION

Proposed Rule Making

Foreign discrimination affecting U.S. ships; regulations to adjust or meet conditions unfavorable to shipping in the foreign trade; extension of time for filing comments 2468
Truck detention at the Port of New York; further enlargement of time to file replies 2468

Notices

Agreements filed:
Associated Latin American Freight Conferences 2492
Board of Commissioners of Port of New Orleans and Public Grain Elevator of New Orleans, Inc 2493
City of Long Beach and Sea-Land Service, Inc 2493
Indiana Port Commission and Tri-State Terminals, Inc 2493
Matson Terminals, Inc., and Orient Overseas Container Line 2494
West Indian Co., Ltd., and Caribbean Sea-Road Service, Inc.
Certificates of financial responsibility (oil pollution):
Certificates issued 2494
Certificates revoked 2495
Independent ocean freight forwarder license; applicants 2496

FEDERAL RAILROAD ADMINISTRATION

Rules and Regulations

Loans under the Emergency Rail Facilities Restoration Act 2435

Proposed Rule Making

Railroad freight cars; prohibited equipment; postponement of hearing 2467

Notices

Actuarial Advisory Committee; public meeting 2498

FEDERAL RESERVE SYSTEM

Rules and Regulations

Rules regarding delegation of authority:
Approval of membership applications 2442
Bank acquisitions by holding companies 2442

Notices

Acquisition of banks:
First City Bancorporation of Texas, Inc 2497
Northwest Bancorporation (2 documents) 2497
Popular Bancshares Corp 2497
Formation of one-bank holding companies:
AB&T Financial Corp 2497
Austin Bancshares Corp 2497
First Manhattan Bankshares, Inc 2498
Lake Shore Financial Corp 2498
Security National Corp.; order approving acquisition of Central Leasing Corp 2496
Walter Heller International Corp.; formation of bank holding company and continuation of certain activities 2498

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
Credit Bureau of Columbus, Inc., et al 2444
Mica, Inc., and Willis Holt 2445

FISCAL SERVICE

Notices

Financial Indemnity Company; surety company acceptable on Federal bonds 2472

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting; Piedmont National Wildlife Refuge, Ga. 2437
Public access, use, and recreation; Wheeler National Wildlife Refuge, Ala. 2437
Sport fishing:
Hagerman National Wildlife Refuge, Tex. 2438
Mingo National Wildlife Refuge, Mo. 2438
Squaw Creek National Wildlife Refuge, Mo. 2438

FOOD AND DRUG ADMINISTRATION

Notices

Metal containers for 12 aspirin tablets; temporary exemption from requirements for poison prevention packaging. 2487
Secretary's Technical Advisory Committee on Poison Prevention Packaging. 2487

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit Office.

IMPORT PROGRAMS OFFICE

Notices

Applications for duty-free entry of scientific articles:
University of Wisconsin; decision 2487
Veterans' Administration Hospital, San Francisco, Calif., et al. 2486

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax:
Certain debts charged off by banks or other regulated corporations 2417
Group-term life insurance purchased for employees; correction 2417

Notices

Tax treatment of contributions of appreciated property to committees of political parties; hearing 2472

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 2503
Motor Carrier Board transfer proceedings 2503
Motor carrier, broker, water carrier and freight forwarder applications 2503

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

See also Employees' Compensation Bureau; Employment Standards Administration; Occupational Safety and Health Administration.

Rules and Regulations

National security information; control of and access to 2418

Notices

Assistant Secretary for Occupational Safety and Health; redelegation of authority and responsibility 2502

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
California 2429
Idaho (2 documents) 2429, 2430
Wyoming 2429

Notices

California; proposed withdrawal and reservation of lands 2472
New Mexico; order opening lands to entry 2473

MARITIME ADMINISTRATION

Rules and Regulations

Capital construction fund; deposits for taxable year 1972 2430

Notices

Montpelier Tanker Co. et al.; multiple applications 2485

NARCOTICS AND DANGEROUS DRUGS BUREAU

Notices

Research and Development Advisory Committee; meeting 2472

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Youths Highway Safety Advisory Committee; public meeting 2488

NATIONAL INSTITUTES OF HEALTH

Notices

Advisory Committee to the Director; meeting 2488

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Lawrence C. and Betty L. Bates; loan application 2486

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Approved State plans for enforcement of State standards:
North Dakota Developmental Plan 2423
New Jersey Plan 2426
Washington Developmental Plan 2421

Proposed Rule Making

Environmental impact statements; procedures 2465
Occupational safety and health standards; petitions to revoke standard concerning design, construction, setting, and feeding of dies; request for information 2465

POSTAL SERVICE

Notices

Postal Contracting Manual 2498

RAILROAD RETIREMENT BOARD

Notices

Actuarial Advisory Committee; public meeting 2498

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rule Making

Procurement of materials and equipment and construction of generation facilities; policy and procedure 2464

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Increased disclosure of unusual charges and credits to income 2446

Proposed Rule Making

Definition of certain terms 2468

Notices

Broker Dealer Model Compliance Program Advisory Committee; public meeting 2501
Hearings, etc.:
AVM Corp. 2498
Colonial Penn Group, Inc., et al. 2501
Continental Vending Machine Corp 2498
Crystallography Corp. 2499
Life Insurance Company of North America and Separate Account A 2499
Meridian Fast Food Services, Inc 2499
Minute Approved Credit Plan, Inc 2499
Monarch General, Inc. 2499
Star-Glo Industries Inc. 2499
Tidal Marine International Corp 2499

SELECTIVE SERVICE SYSTEM

Rules and Regulations

Officers, classification, and examination; effective date; correction 2428

STATE DEPARTMENT

Notices

Advisory Commission on International Educational and Cultural Affairs; public meeting 2472

TARIFF COMMISSION

Notices

Bates Shoe Division of Wolverine Worldwide, Inc.; workers' petition for determination; investigation 2501
Golf Gloves; complaint received 2502

TRANSPORTATION DEPARTMENT

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

TREASURY DEPARTMENT

See Customs Bureau; Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

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

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.

3 CFR

EXECUTIVE ORDERS:
July 11, 1911 (revoked in part by PLO 5327) 2429
July 10, 1913 (revoked in part by PLO 5327) 2429
December 15, 1914 (revoked in part by PLO 5327) 2429
February 23, 1915 (revoked in part by PLO 5327) 2429

7 CFR

51 2439
730 2439
907 2441
PROPOSED RULES:
1701 2464

9 CFR

76 2441
97 2442
PROPOSED RULES:
92 2463

12 CFR

265 (2 documents) 2442

14 CFR

71 2443
97 2443

16 CFR

13 (2 documents) 2444, 2445

17 CFR

19 2445
211 2446
239 2446
249 2446
PROPOSED RULES:
230 2468

19 CFR

4 2448
6 2449
8 2449
9 2449
10 2449
11 2449
23 2449
123 2449
148 2449

20 CFR

Ch. I 2650
701 2650
702 2651
703 2652
704 2667

24 CFR

203 2417
207 2417
220 2417

26 CFR

1 (2 documents) 2417

29 CFR

14 2418
1952 (3 documents) 2421, 2423, 2626

32 CFR

1604 2428
1622 2428
1623 2428
1625 2428
1628 2428
1630 2428
1631 2428
1680 2428
PROPOSED RULES:
1910 2465
1999 2465

33 CFR

117 2428
PROPOSED RULES:
117 (2 documents) 2466

40 CFR

180 2428

41 CFR

9–5 2429

43 CFR

PUBLIC LAND ORDERS:
5327 2429
5328 2429
5329 2429
5330 2430

46 CFR

390 2430
PROPOSED RULES:
Ch. I 2467
Ch. IV 2468
506 2468

47 CFR

73 2430

49 CFR

252 2435
PROPOSED RULES:
215 2467

50 CFR

28 2437
32 2437
33 (3 documents) 2438

Rules and Regulations

Title 24—HOUSING AND URBAN DEVELOPMENT

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

[Docket No. R-73-224]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective January 1, 1973.

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅞	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅞	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅞	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅞	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1973.

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

HARRY T. MORLEY,
Assistant Secretary for Administration.

[FR Doc.73-1540 Filed 1-24-73;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7236]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Group-Term Life Insurance Purchased for Employees

Correction

In FR Doc. 72-22239 appearing at page 28624 of the issue for Thursday, December 28, 1972, the following changes should be made in § 1.79-1(b)(1):

1. In subdivision (ii)(b), the word "January" in the ninth line should read "July".

2. In the example to subdivision (ii)(c), the date "December 21, 1972" which appears in the fifth line from the end should read "June 30, 1973"; and the date "January 1" in the third line from the end should read "July 1".

[T.D. 7254]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Debts Charged Off by Banks or Other Regulated Corporations

This document contains an amendment to the Income Tax Regulations (26

CFR Part 1) under section 166 of the Internal Revenue Code of 1954 in order to clarify the income tax treatment of certain debts charged off by banks or other regulated corporations.

Prior to this amendment, banks and other corporations subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, were entitled to a conclusive presumption of worthlessness of debts only where the debts were charged off in obedience to the specific orders of such authorities. This amendment extends the applicability of the conclusive presumption to cases in which the charge-offs are made without such specific orders but in accordance with established policies of such authorities, provided that those authorities, upon their next audit of the bank or corporation, confirm in writing that the charge-offs would have been subject to their specific orders.

In order to clarify the income tax treatment of debts charged off by banks or other regulated corporations, which are confirmed by supervisory authorities as having been properly charged off, paragraph (d)(1) of § 1.166-2 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.166-2 Evidence of worthlessness.

* * * * *

(d) *Banks and other regulated corporations*—(1) *Worthlessness presumed in year of charge-off.* If a bank or other corporation which is subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, charges off a debt in whole or in part, either—

(i) In obedience to the specific orders of such authorities, or

(ii) In accordance with established policies of such authorities, and, upon their first audit of the bank or other corporation subsequent to the charge-off, such authorities confirm in writing that the charge-off would have been subject to such specific orders if the audit had been made on the date of the charge-off,

then the debt shall, to the extent charged off during the taxable year, be conclusively presumed to have become worthless, or worthless only in part, as the case may be, during such taxable year. But no such debt shall be so conclusively presumed to be worthless, or worthless only in part, as the case may be, if the amount so charged off is not claimed as a deduction by the taxpayer at the time of filing the return for the taxable year in which the charge-off takes place.

* * * * *

Because this Treasury decision will not be detrimental to any taxpayer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. section 553(b), or subject to the effective date limitation of 5 U.S.C. section 553(d).

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: January 17, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.73-1597 Filed 1-24-73;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 14—NATIONAL SECURITY INFORMATION

A new Part 14 of Title 29, Code of Federal Regulations, is hereby added to inform the public and Federal agencies of the procedures followed by the Department of Labor in classifying, declassifying, and granting or denying public access to, national security information in the custody of the Department of Labor, and to provide for necessary liaison between the Department of Labor and agencies that originate national security information.

As this part involves rules of agency procedure, notice of proposed rulemaking and public comment, and delay in the effective date are not required. Accordingly, this part shall be effective on January 26, 1973.

The new Part 14 reads as follows:

Subpart A—General Provisions

Sec.
14.2000 Authority.
14.2001 General policy.
14.2002 Department of Labor Classification Review Committee.
14.2004 Composition of committee.

Subpart B [Reserved]

Subpart C [Reserved]

Subpart D—Authority for Classification and Declassification

14.2060 Authority to classify.
14.2061 Authority to downgrade and declassify.
14.2062 Authority to exempt.

Subpart E—Downgrading and Declassification

14.2080 Earlier downgrading and declassification.
14.2081 General declassification schedule.
14.2082 Declassification of classified material after 10 years.
14.2083 Declassification of classified material after 30 years.
14.2084 Notification of change in classification.

Subpart F—Review of Classified Material

14.2100 Systematic reviews.
14.2101 Mandatory review of material over 10 years old.
14.2102 Mandatory review of material over 30 years old.
14.2103 Burden of proof.

Subpart G [Reserved]

Subpart H [Reserved]

Subpart I—Distribution Dissemination and Transmission of Classified Material

Sec.
14.2162 Distribution of material originating in another department.
14.2163 Dissemination to individuals and firms outside the executive branch of the Federal Government.

AUTHORITY: Executive Order 11652, the National Security Council Directive of May 17, 1972, and the Freedom of Information Act, 5 U.S.C. 552.

Subpart A—General Provisions

§ 14.2000 Authority.

These regulations implement Executive Order 11652 dated March 8, 1972, entitled "Classification and Declassification of National Security Information and Material" and directives issued pursuant to the order through the National Security Council and the Atomic Energy Act of 1954 as amended.

§ 14.2001 General policy.

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act (5 U.S.C. 552) and in the current public information policies of the executive branch.

(a) *Safeguarding national security information.* Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given limited dissemination.

(b) *Exemption from public disclosure.* This official information or material, hereinafter referred to as national security information or material, is expressly exempted from compulsory public disclosure by section 552(b)(1) of Title 5, U.S.C. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

(c) *Scope.* To insure that such information and material is protected, but only to the extent and for such period as is necessary, these regulations identify the information to be protected, prescribe classification downgrading, declassification, and safeguarding procedures to be followed, and establish a monitoring system to insure their effectiveness.

(d) *Limitation.* The requirement to safeguard information and material in the interest of national security and the

conduct of foreign relations in no way implies an indiscriminate license to restrict information from the public. It is important that the citizens of the United States have the fullest possible access, consistent with national security, to information concerning the policies and programs of their Government.

(e) *Freedom of Information Act.* The fact that information has been declassified under Executive Order 11652 does not necessarily mean that the information will be disclosed. Access to the information declassified may be denied under subparagraphs 2 through 9 of 5 U.S.C. 552(b) if the facts warrant. In that event, after declassification of the information, the procedures in part 70 of this subtitle shall apply.

§ 14.2002 Department of Labor Classification Review Committee.

(a) A Department of Labor Classification Review Committee is hereby established. The Committee is responsible for the continuing review of the administration of these regulations with respect to classification and declassification of information or material originated within the Department. It shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The Committee is authorized to overrule, on behalf of the Secretary, classification determinations, in whole or in part, when in its judgment continued protection is not required. If the Committee determines that continued classification is required, it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(b) The Committee shall review all appeals of requests for records under the Freedom of Information Act, 5 U.S.C. 552, when the proposed denial is based on continued classification under Executive Order 11652.

(c) The Committee shall provide quarterly reports to the Interagency Classification Review Committee on

(1) Updating the record lists of officials authorized to classify within the Department.

(2) Departmental actions on classification review requests, classification abuses, and unauthorized disclosures and

(3) Progress reports on information accumulated in the data index system established under Part VII of the National Security Council directive of May 17, 1972, and such other reports as the Chairman of the Interagency Classification Review Committee may find necessary for the Committee to carry out its responsibilities.

(d) The Committee shall have responsibility for recommending to the Secretary of Labor appropriate administrative action to correct abuse or violation of any provisions of Executive Order 11652 or directives thereunder, including notification by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay and removal. Upon receipt of such recommendation the Secretary of Labor shall act promptly and advise the Department of Labor Classification Review Committee of his action.

§ 14.2004 Composition of committee.

The members of the Department of Labor Classification Review Committee are:

Chairman—Director, Office of Investigations and Security

Member—Administrative Officer, Bureau of International Labor Affairs

Member—Security Officer, Bureau of Labor Statistics

Member—Security Officer, Occupational Safety and Health Administration

Subpart B [Reserved]

Subpart C [Reserved]

Subpart D—Authority for Classification and Declassification

§ 14.2060 Authority to classify.

The following officials, by order of the President, dated September 30, 1972, have authority to originally classify information or material in the categories indicated:

(a) *Top Secret.* (1) Secretary of Labor,

(2) Under Secretary of Labor,

(3) Deputy Under Secretary for International Labor Affairs,

(4) Assistant Secretary for Administration and Management.

Officials serving in an acting capacity in any of the above positions shall also have the authority to originally classify national security information or material "Top Secret."

(b) *Secret.* The officials designated in paragraph (a) of this section are authorized to classify national security information or material "Secret." In addition, the following officials have the authority to classify national security information "Secret":

Solicitor of Labor.

Assistant Secretary for Occupational Safety and Health.

Assistant Secretary for Labor-Management Relations.

Assistant Secretary for Employment Standards.

Assistant Secretary for Manpower.

Assistant Secretary for Policy Evaluation and Research.

Commissioner, Bureau of Labor Statistics.

Associate Deputy Under Secretary for International Labor Affairs.

Director, Office of Investigations and Security.

As in the case of the "Top Secret" designations officials serving in an acting capacity in any of the above positions also have the authority to classify national security information or material "Secret."

(c) *Confidential.* The authority to originally classify national security information or material under Executive Order 11652 as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

§ 14.2061 Authority to downgrade and declassify.

Classified national security information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in the same capacity or by a supervisory official of either. In addition, national security information or material may be downgraded or declassified by any person designated in writing for that purpose by the Secretary of Labor or by the Department Classification Review Committee.

§ 14.2062 Authority to exempt.

In the President's order of September 30, 1972, designating certain officials in the Department with the authority to originally classify national security information he specifically withheld authority for any official in the Department to exempt documents from the General Declassification Schedule.

Subpart E—Downgrading and Declassification

§ 14.2080 Earlier downgrading and declassification.

Classified national security information and material shall be downgraded and declassified as soon as there are no longer any grounds for continued classification with the classification categories set forth in subpart B of this part. At the time of classification, whenever possible the classifying authority shall clearly mark on the information or material a specific date or event, earlier than that called for in the General Declassification Schedule upon which downgrading or declassification shall occur. Such dates or events shall be as early as is possible without causing damage to the national security.

§ 14.2081 General Declassification Schedule.

Classified information and material, unless downgraded and declassified earlier under the provisions of section 14.2080 shall be assigned a date or event which downgrading shall occur within the prescribed limits outlined below:

(a) *Top Secret.* Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the 10th full calendar year following the year in which it was originated.

(b) *Secret.* Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the 2d full calendar year following the year in which it was originated, and declassified at the end of the 8th full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified "Confidential" shall become automatically declassified at the end of the 6th full

calendar year following the year in which it was originated.

Information or material classified before June 1, 1972, and which is assigned to group 4 under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to groups 1, 2, or 3 of Executive Order No. 10501 as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of Executive Order 11652, June 1972.

§ 14.2082 Declassification of classified material after 10 years.

All classified information or material, whether classified before or after June 1, 1972, shall be subject to mandatory classification review pursuant to the provisions of subpart E of this part at any time after expiration of 10 years from date of origin.

§ 14.2083 Declassification of classified material after 30 years.

All classified information or material which is 30 years old or more is subject to automatic declassification as follows:

(a) All information and material classified by the Department after June 1, 1972, shall become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified material as the Secretary of Labor personally determines in writing at that time to require continued protection is essential to the national security, or when disclosure would place a person in immediate jeopardy. In either such case the Secretary of Labor shall also specify the period of continuing classification.

(b) All information and material classified before June 1, 1972, and more than 30 years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year it was originated. All such information and material shall be declassified except that specifically identified by the Secretary of Labor for continued classification as set forth in paragraph (a) of this section.

§ 14.2084 Notification of change in classification.

When classified information or material is downgraded or declassified in a manner other than that originaly specified, the classifying authority shall, to the extent practicable, promptly notify all recipients of the classified material. In turn, the recipients shall notify any other known holders of the declassification or downgrading of the information or material.

Subpart F—Review of Classified Material

§ 14.2100 Systematic reviews.

All information and material classified after June 1, 1972, by the Department, and evaluated under 44 U.S.C. 2101–2114 as being of sufficient value to warrant preservation, shall be systematically reviewed on a timely basis by the Department for the purpose of making such information and material publicly available in accord with the classification determination made by the classifying authority. During each calendar year the Department shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Department, or the Archives of the United States, if transferent thereto, shall make the declassified information and material available to the public to the extent permitted by law.

§ 14.2101 Mandatory review of classified material.

(a) All classified material originated prior to June 1, 1972, shall be subject to a classification review by the originating office at any time after the expiration of 10 years from the date of origin if:

(1) A Department or member of the public requests the review.

(2) The request is in writing and describes the classified information or material with sufficient particularity to enable the Department to identify it, and

(3) The classified information or material can be obtained with only a reasonable amount of effort.

(b) Deficient requests: When the description in a request is deficient the requester should be asked to provide as much additional identifying information as possible. Before denying a request on the ground that the information or material is not obtainable with a reasonable amount of effort, the requester should be asked to limit his request to information or material that is reasonably obtainable. If the requester then fails to describe the information or material he seeks with sufficient particularity, or it cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal the decision to the Department Classification Review Committee.

(c) Requests for classification review under this section should be addressed to the Department of Labor, Office of the Assistant Secretary for Administration and Management, Washington, D.C. 20210. The Office of the Assistant Secretary for Administration and Management shall assign the request to the appropriate office within the Department for action, and the latter shall immediately acknowledge receipt of the request to the requester in writing. If the request requires the rendering of services requiring the charging of fees pursuant to 31 U.S.C. 483a, the requester shall so be notified and fees shall be charged pursuant to § 70.62 of this subtitle. The office shall thereafter make a determination within 30 days of receipt of the request or shall explain to the requester the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department Classification Review Committee for a determination. If the office determined that continued classification is required, the requester shall promptly be notified, and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department Classification Review Committee and the notice of determination shall advise him of this right. If, after appeal by the requester, the Department Classification Review Committee determines that continued classification is required, it shall promptly so notify the requester and advise him that he may appeal to the Interagency Classification Review Committee.

§ 14.2102 Mandatory review of material over 30 years old.

All classified information and material which is thirty (30) years old or more shall be declassified in accordance with § 14.2084 hereof. In addition, a department or agency of the Government or a member of the public may request a review of the classification of such information or material. Such requests should meet the conditions set forth in § 14.2101. Such requests shall be referred directly to the Archivist of the United States for processing. The Secretary of Labor shall cooperate with the Archivist in the review of such requests, and shall determine personally whether continued classification of such information or material is required, and specify the period of such classification.

§ 14.2103 Burden of proof.

In making its determinations concerning requests for declassification of classified information or material the Department Classification Review Committee shall impose for administrative purposes the burden of proof on the originating office that continued classification is warranted.

Subpart G [Reserved]

Subpart H [Reserved]

Subpart I—Distribution Dissemination and Transmission of Classified Material

§ 14.2162 Distribution of material originating in another department or agency.

Classified material that originated in another U.S. department or agency must not be communicated outside the receiving agency without the consent of the

originating department or agency. Such approval must be obtained in writing and a record of the approval and communication must be maintained by the communicator. This rule with respect to the release of classified information originating outside the Department is subject to exception in the case of classified information received from the Foreign Service in response to departmental requests or with respect to which the Department has been designated as the action agency. Such information shall be considered to be Department of Labor information and therefore subject to the regulations covering dissemination of material classified within the Department.

§ 14.2163 Dissemination to individuals and firms outside the executive branch of the Federal Government.

Requests from sources outside the executive branch of the Federal Government for classified material and information which originated in the Department of Labor may be honored subject to the following conditions only:

(a) TOP SECRET material: Any material originating in the Department of Labor which is classified as TOP SECRET may not be released to an individual or firm outside the executive branch of the Federal Government without the approval of the Assistant Secretary for Administration and Management. Prior to approval the individual or firm must have been authorized a personnel security clearance for TOP SECRET in writing by the Office of Investigations and Security. Any request for such material by an individual or firm outside the executive branch of the Federal Government should be referred promptly to the Assistant Secretary for Administration and Management for consideration on an individual basis.

(b) Secret and Confidential material: The official from whom Secret or Confidential material is being requested may furnish such material to an individual or firm outside the executive branch of the Federal Government provided that the furnishing of such classified material to the individual or the firm shall further the official programs of the organizational unit in which the information originated. The official furnishing the information must have knowledge that the persons to whom the material is to be furnished has the appropriate Department of Labor clearance, or at a minimum a clearance for the same classification or higher from another Federal Government department or agency whose security clearances are known to be acceptable to the Department of Labor, and that the person to whom the classified material is being furnished has the proper facilities for safeguarding such material. In addition to the foregoing requirements, no material classified Secret or Confidential may be furnished to an individual or firm outside the executive branch of the Federal Government without the concurrence of the primary organizational unit head or the security officer of that unit in writing.

(c) If a request is received in any office of the Department of Labor which would raise a suspicion that an individual or organization outside the executive branch of the Federal Government service has knowledge of the existence of material classified Confidential, Secret, or Top Secret, without authorization therefor, then a report giving all available details must be made immediately to the Department of Labor Physical Security Officer for appropriate action and disposition.

(d) All requests received from sources outside the United States for Top Secret, Secret, or Confidential material, except those requests received from foreign offices of the primary organizational unit or from U.S. Embassies or similar missions abroad, shall be referred to the Assistant Secretary for International Labor Affairs.

(e) Access by historical researchers: Persons outside the executive branch engaged in historical research projects may be authorized access to classified information or material: *Provided*, That the head of the originating department determines that:

(1) The project and access sought conform to the requirements of section 12 of Executive Order 11652.

(2) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The historical researcher agrees to safeguard the information or material in a manner consistent with Executive Order 11652 and directives thereunder.

(4) The historical researcher agrees to authorize a review of his notes and manuscripts for the sole purpose of determining that no classified information or material is contained therein. An authorization for access shall be valid for the period required but no longer than 2 years from the date of issuance unless renewed under the same conditions and regulations as when initially granted.

(f) Access by former Presidential appointees: Persons who previously occupied policymaking positions to which they were appointed by the President, other than those referred to in section 11 of Executive Order 11652, may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office. Upon the requests of any such former official, such information or material as he may identify shall be reviewed for declassification in accordance with the provisions of these regulations.

(g) If dissemination of classified information has been approved under conditions described above, the documents shall be stamped prior to distribution.

Signed at Washington, D.C., this 18th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-1539 Filed 1-24-73;8:45 am]

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Developmental Plan

1. *Background.* The Washington State plan was submitted to the Assistant Secretary, August 14, 1972, for approval under Part 1902, Title 29, Code of Federal Regulations. Approval would permit the State to apply its State laws and regulations, including job safety and health standards relating to occupational safety and health under its plan. Notice of receipt of the plan was published in the FEDERAL REGISTER, September 8, 1972 (37 FR 18253). Comments on the plan were received from the American Federation of Labor—Congress of Industrial Organizations (AFL-CIO), Washington State Health Facilities Association, the County Road Administration Board, Olympia, Wash., and the Associated General Contractors of America, Inc., Northwest Chapter.

The plan identifies the Department of Labor and Industries as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1). The plan states that the Department of Labor and Industries is currently exercising statewide inspection authority to enforce many State standards. The plan further includes proposed draft legislation to be considered by the Washington Legislature during its 1973 session, creating a new chapter in Title 49, Revised Code of Washington, and repealing existing provisions, to bring it into conformity with the requirements of Part 1902.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the State attorney general that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of the State. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature.

2. *Issues.* The public comments and our review of the plan raised several significant issues which were addressed by Washington in supplementary letters of clarification submitted October 18, 1972, January 5, 1973, and January 12, 1973, and incorporated as part of the plan.

The first issue is whether the standards as submitted by Washington are at least as effective as Federal standards. Based on an analysis of Washington's standard comparison, Subparts F, N, O, and Q have been determined to be at least as effective. Subparts K and P were withdrawn by Washington and in accordance with § 1902.20(b)(1)(ii) these subparts and the remaining subparts as described in 29 CFR 1910 will be

submitted by Washington as developmental codes. In addition, one "product" standard was identified during our review. Washington has agreed to submit information on "compelling local conditions" for this "product" standard (WAC 296-24-235 lighting in crane cabs), and any subsequently identified "product" standards within the 1 year post-approval developmental period for standards.

A second issue involves the procedure for review of citations and penalties issued by the Director of the Department of Labor and Industries. Instead of immediately certifying contested cases to the Board of Industrial Insurance Appeals, the proposed legislation, section 14(3), provides for the Director to reassume jurisdiction over all or part of the contested matter. During the period when the jurisdiction has been reassumed, the Director could, without notice, issue corrective notices of citations, periods of abatement, and assessment of penalties. No provision was made for participation by employers or employees in the review procedure in accordance with § 1902.4(c)(2)(xii). Washington has agreed to add to its proposed legislation a provision authorizing the Director to adopt rules of procedure for the reassumption of jurisdiction which would afford employers, employees, and employee representatives notice of the proposed reassumption of jurisdiction and an opportunity to object or support the reassumption of jurisdiction, either in writing or orally at an informal conference. Such procedures would meet the requirements of § 1902.4(c)(2)(xii).

Third, Washington plans to provide "on-site" consultation to employers under the following conditions: consultative visits will only be made in response to specific requests by employers; there will be separate staffs for consultation and enforcement purposes and enforcement staff will not be diverted to service a backlog of consultation requests; consultation personnel will have the authority to obtain abatement of situations involving imminent danger and serious violations; a consultation visit will provide no immunity from a future regularly scheduled inspection or an inspection in response to a complaint; and any advice or opinion offered by a consultant will not be binding on a compliance officer and will not preclude the finding of alleged violations nor the proposing of penalties.

Under section 18 of the Act and § 1902.4(c)(2)(xiii) a State is not required to develop an "on-site" consultation program as part of its voluntary compliance effort. If a State chooses to develop such a program it must provide assurances, as Washington has done, that the consultation program is completely over and above the enforcement program and will not impair or detract from that enforcement effort. We conclude that the on-site consultation program submitted by Washington will not impair or detract from the State's enforcement program.

Finally, serious questions were raised as to the effectiveness of Washington's enforcement procedures. In the proposed legislation the State provided for a maximum civil penalty in the amount of $500 for nonserious violations in contrast to the Federal ceiling of $1,000. However, a letter to the Assistant Secretary, January 5, 1973, the State agreed to raise its penalty level to $1,000.

A second element of Washington's enforcement program was a provision for discretionary as opposed to mandatory "first instance" civil penalties for serious violations. Washington maintained that this procedure was at least as effective as the Federal system because the State provided for a statutory mandatory civil penalty for any failure to abate a violation and a discretionary "red-tag" provision that, if used, would constitute a "first instance" penalty at least as effective as a monetary civil penalty even though its use was not mandatory. The State's proposed civil penalty system was geared to obtaining abatement of violations once an inspection was made rather than to providing employers with the incentive to correct violations before an inspection by means of an across-the-board mandatory civil penalty for all serious violations found during an initial inspection.

The presence of a mandatory "first instance" penalty is considered an essential element in the effectiveness of the Federal program. Washington agreed to amend its legislation to provide a mandatory "first instance" civil penalty for all serious violations, in addition to the discretionary "red-tag" provision. The State has also decided to provide for a discretionary civil penalty for failure to abate a violation, identical with the provisions in the Federal Act.

3. *Decision.* After careful consideration of the Washington plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan, and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(iii) the present level of Federal enforcement in Washington will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Washington.

The Washington plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Introduction of the legislation in the 1973 Legislative session;

(b) Public hearings and promulgation of occupational safety and health standards within 1 year after the proposed standards are found to be at least as effective by the Secretary of Labor;

(c) Promulgation and adoption of rules and regulations concerning procedures for assuming all obligations and functions arising from the legislation within 1 year of its effective date;

(d) Development and implementation of a data processing system (M.I.S.) 6 months after approval of the plan;

(e) Achievement of training objectives by December 31, 1973;

(f) Upgrading of the Division of Safety personnel following legislative action on recommendations submitted to the 1973 Legislature.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart F as follows:

Subpart F—Washington

Sec.

1952.120 Description of the plan.
1952.121 Where the plan may be inspected.
1952.122 Level of Federal enforcement.
1952.123 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

§ 1952.120 Description of the plan.

(a)(1) The plan identifies the Department of Labor and Industries as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. The plan contains a standards comparison of existing and proposed State standards with Federal standards. All standards, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring) will be adopted and enforced after public hearings within 1 year after the standards are found to be at least as effective by the Secretary of Labor.

(2) The plan provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions, procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint or elimination of imminent danger situations.

(b)(1) The plan includes proposed draft legislation to be considered by the Washington Legislature during its 1973 legislative session creating a new chapter in Title 49, Revised Code of Washington and repealing existing provisions, to bring it into conformity with the requirements of Part 1902. Under the proposed legislation the Department of Labor and Industries will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State. The legislation

further proposes to bring the State into conformity in areas such as variances and protection of employees from hazards.

(2) The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers for violations of standards and orders; employer right of review to the Board of Industrial Insurance Appeals and then to the courts, and employee participation in review proceedings. The plan also proposes to develop a program to encourage voluntary compliance by employers and employees, including provision for on-site consultations.

(c) The plan includes a statement of the Governor's support for the legislation and a legal opinion from the State attorney general that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Washington. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation.

(d) The Washington plan includes the following documents as of the date of approval:

(1) The plan description documents including draft legislation and appendices in two volumes;

(2) Appendix 18, Standards Comparison;

(3) Letter from William C. Jacobs, Director, Department of Labor and Industries to James W. Lake, Regional Administrator, OSHA, August 11, 1972, submitting justifications for discretionary sanctions for serious violations and changing section 18(5) of WISHA to conform to the mandatory civil penalty for posting violations under OSHA;

(4) Letter from John E. Hillier, Supervisor of Safety, Department of Labor and Industries to Thomas C. Brown, Director, Office of Federal and State Operations, August 19, 1972, submitting justifications on the sanction system and the review procedure in the Washington plan;

(5) Letter from William C. Jacobs to Thomas C. Brown, September 19, 1972, justifying the sanction system as proposed by Washington;

(6) Letter from John E. Hillier to Thomas C. Brown, October 2, 1972, providing a detailed explanation of the procedure for review of citations proposed by Washington;

(7) Letter from Stephen C. Way, Assistant Attorney General to Thomas C. Brown, October 19, 1972, clarifying several issues raised during the review process including revision in the draft legislation;

(8) Letter from Stephen C. Way to the Assistant Secretary, January 5, 1973, clarifying most of the remaining issues raised during the review process;

(9) Letter from William C. Jacobs to the Assistant Secretary, January 12, 1973, revising the penalty structure in the draft legislation.

(e) The public comments will also be available for inspection and copying with the plan documents.

§ 1952.121 Where the plan may be inspected.

A copy of the complete plan may be inspected and copied during normal business hours at the following locations:

Supervisor, Division of Safety, Department of Labor and Industries, 308 East Fourth Avenue, Post Office Box 207, Olympia, WA 98504; Regional Administrator, Occupational Safety and Health Administration, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104; Office of Federal and State operations Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.122 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in Washington will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities; investigate valid complaints under section 8 (f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.123 Developmental schedule.

The Washington State plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Introduction of the legislation in the 1973 Legislative Session;

(b) Public hearings and promulgation of occupational safety and health standards within 1 year after the proposed standards are found to be at least as effective by the Secretary of Labor;

(c) Promulgation and adoption of rules and regulations concerning procedures for assuming all obligations and functions arising from the legislation within 1 year of its effective date;

(d) Development and implementation of a data processing system (M.I.S.) 6 months after approval of the plan;

(e) Achievement of training objectives by December 31, 1973;

(f) Upgrading of the Division of Safety personnel following legislative action on recommendations submitted to the 1973 Legislature.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1574 Filed 1-24-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Dakota Developmental Plan

1. *Background.* The State of North Dakota submitted September 22, 1972, a plan pursuant to Part 1902 requesting approval by the Assistant Secretary of Labor for Occupational Safety and Health. Approval would permit the State to apply its State laws and regulations, including job safety and health standards, relating to occupational safety and health under its plan. October 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 22781) concerning the submission of the plan, the fact that the question of approval was in issue before the Assistant Secretary, and an invitation for public comments. Written comments concerning the plan were submitted by the American Federation of Labor–Congress of Industrial Organizations (AFL–CIO). No other written comments were received and there were no requests for an informal hearing.

The plan identifies the North Dakota Workmen's Compensation Bureau as the State agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1). The plan states that the North Dakota Workmen's Compensation Bureau is currently exercising inspection authority to enforce State standards in places of employment in the State covered by workmen's compensation insurance.

The plan contains proposed draft legislation to be considered by the North Dakota Legislature during its 1973 session amending Title 65, Chapter 65–01 of the North Dakota State Code and related provisions to bring them into conformity with the requirements of Part 1902. Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of North Dakota. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902.

2. *Issues.* The public comments and our review of the plan raise several significant issues which are addressed by North Dakota in supplementary letters of clarification submitted to the Assistant Secretary dated November 21, 1972, and December 19, 1972, and incorporated as part of the plan.

The first issue is coverage under the North Dakota plan. Agriculture is included as an issue under the proposed

legislation. However, the scope of the legislation is related to coverage under the workmen's compensation law in North Dakota. Therefore, in order to cover agriculture, the State is proposing an amendment to include agriculture under workmen's compensation insurance legislation and thus under NDOSHA. If the amendment fails to pass the legislature, North Dakota will not cover agriculture as an issue and it will be subject to Federal jurisdiction in accordance with § 1902.2(c)(2).

There are several other types of employment which are also not covered under State workmen's compensation insurance legislation and which will not be covered under the proposed legislation. In two cases, domestic services and employees engaged in the maintenance, operation, and conduct of a place of worship, the State exemption is consistent with the Federal policy position in 29 CFR Part 1975. The remaining three areas are well-defined occupational groups that make continued coverage by OSHA administratively practicable in accordance with § 1902(2)(c)(1). These groups include railroad employment by a common carrier, flying employees, i.e., pilots and crew, of airlines not based in North Dakota, and employees engaged in interstate trucking of persons and property by nonresidents. The latter grouping does not include migratory labor.

A second issue involves the procedure for review of citations and penalties by the Safety Review Board. This provision, section 17, allows the Workmens' Compensation Bureau to prevent a hearing on a citation by failing to certify it to the Board upon receipt of a notice of contest. Failure to certify would operate to amend the citation in accordance with the notice of contest without providing a hearing for affected parties. North Dakota has agreed in a letter dated November 21, 1972, to revise this procedure to require notice to employers and employees of failure to certify and an opportunity for a hearing by the Bureau as required by § 1902.4(c)(2)(xii).

Both the public comments and our review raised questions regarding the effectiveness of the North Dakota procedures for meeting the following indices of effectiveness: § 1902.4(b)(2)(iii) *Standards;* § 1902.4(c)(2)(ii) *Inspection procedure;* § 1902.4(c)(2)(v) *Protection against discrimination;* § 1902.4((c)(2)(vi) *Access to information on hazards;* and § 1902.4(c)(2)(xi) *Sanctions.*

While North Dakota plans to adopt present Federal standards the State will also promulgate rules of procedure for public participation in future standard setting. According to the letter of November 21, 1972, these procedures will equal or exceed the Federal procedures for public participation. As a minimum, the regulations will provide for publication of notice of rulemaking proceedings and participation by interested persons in accordance with the § 1902.4(b)(2)(iii).

Some comment concerned the procedure for emergency temporary standards in North Dakota. In accordance with the State Administrative Procedure Act, all rules and regulations, including emergency temporary standards must be submitted to the Attorney General's office for an opinion as to their legality before they can become effective. Since emergency standards will be published and become effective within 30 days and prior to public notice and public participation, the delay caused by submission to the Attorney General would not make the North Dakota procedure any less effective than the Federal procedure. The lack of a fixed maximum time period of effectiveness for emergency temporary standards before promulgation of a permanent standard does not diminish the effectiveness of North Dakota's procedure but merely provides greater flexibility in the application of the temporary rule.

The promulgation and operation of North Dakota's procedural rules for standard setting will be subject to review during the continuing evaluation of the North Dakota plan contemplated by section 18(e) of the act. In particular, attention will be directed to the amount of public participation permitted and the effect of the emergency temporary standard procedures.

North Dakota plans to adopt Part 1903 of Title 29 Code of Federal Regulations governing inspection procedures. These rules provide for employees to notify compliance officers of violations before, during, and after an inspection. They also provide for informal review of failure to issue citations. In adopting these regulations, North Dakota's inspection procedure will be at least as effective in accordance with § 1902.4(c)(2)(ii).

In a letter of clarification submitted December 19, 1972, North Dakota will revise its discrimination section to authorize the Commissioner of Labor, a separate agency from the Workmen's Compensation Bureau, to issue cease-and-desist orders and to order reinstatement, and backpay to employees. This will provide appropriate relief for employees consistent with § 1902.4(c)(2)(v).

Revisions in the proposed legislation will also be made to provide an employee with the right to have his medical examinations released to his own physician as stated in a letter of clarification, November 21, 1972. In addition, the State will promulgate regulations consistent with section 8(c)(3) of the act and § 1902.4(c)(2)(vi) providing for employees to observe monitoring and have access to the records when required by applicable standards.

The sanction system proposed by North Dakota has been modified in a series of clarifications in order to meet the requirements of § 1902.4(c)(2)(xi). North Dakota's draft legislation does not contain any distinction between serious and nonserious violations, nor is there any mandatory civil penalty for violations of a serious nature. North Dakota has chosen to meet the requirements of this index by regulations and by definitions in the State Compliance Manual. The State Compliance Manual contains a definition of "serious physical harm." In addition, the definition of "serious" violation in the Federal statute will be included in the State Compliance Manual as stated in the letter of clarification November 21, 1972. Therefore, the State program will differentiate between serious and nonserious violations.

On the issue of a mandatory first-instance sanctions for serious violations, North Dakota's legislation provides for discretionary first-instance civil penalties for all violations. However, the State plans to make the mandatory nature of civil penalties for serious violations clear in regulations issued after passage of the legislation as noted in the letter of November 21, 1972. Consequently, North Dakota will have a first-instance mandatory penalty for serious violations of up to $1,000 and discretionary sanctions for nonserious violations also up to $1,000. These steps by the State are sufficient to meet the requirements for approval under part 1902. However, it's recommended but not required that the State meet these requirements by legislation rather than by regulations or by an administrative manual. In accordance with the State Compliance Manual, a mandatory civil penalty will be assessed for failure to post information required by the act.

North Dakota's method of penalizing violations for failure to abate differs from the Federal in that these violations are included in the definition of willful. There is no separate category similar to section 17(d) of OSHA for civil penalties of up to $1,000 a day. The method for assessing a penalty for a willful violation that involves a failure to abate consists of a mandatory assessment of five times the original unadjusted penalty of up to $10,000. The unadjusted penalty is based solely on the gravity of the violation and is proposed to be generally up to $500. Each succeeding violation for failure to abate will also be treated as willful and be subject to a civil penalty of up to $10,000 each time the abatement date is not met. There is also a provision in the legislation for a criminal willful penalty of up to $10,000 and/or 5 years imprisonment. This penalty is not limited to situations where the violation causes death as is the Federal act and it may also be used in addition to civil penalties for failure to abate violations.

There will be no sanctions against employees for violations in the North Dakota legislation for the State has withdrawn section 65-07-02 of its draft legislation which provided for such a sanction. In addition, North Dakota will repeal section 65-03-01 of its workmen's compensation law providing for a penalty of $25 to $100 for violations of a safety rule since it duplicates and is less in amount than the sanction in the proposed legislation.

In several other areas, the North Dakota enforcement program presents alternatives to the Federal scheme. Similar State procedures have been considered to be at least as effective in the South Carolina decision (37 FR 25932), December 6, 1972. First, in conjunction with a prohibition against advance

notice, which is applicable to the Commissioner, Bureau employees and agents, North Dakota provides that whoever gives advance notice shall be guilty of a misdemeanor. Under North Dakota law, 12-06-14, a misdemeanor results in not more than 1 year imprisonment and/or fine of up to $500. The person who gives advance notice is also subject to discharge. The North Dakota prohibition against advance notice is backed up by a reasonable sanction applicable to the classes of persons who would most likely be in a position to give unauthorized notice, State employers and employees. Hence, the plan meets the requirement of §§ 1902.3(f) and 1902.4 (c)(2)(xi).

It is pointed out that under § 1902.3(f) the exceptions to the prohibition, administratively granted, can be no broader than those authorized under the Federal program.

The public comments also raise the question of whether North Dakota has an adequate sanction against persons who knowingly make false statements. Section 17(g) of OSHA authorizes a criminal penalty of $10,000 or 6 months imprisonment or both to be assessed against any person who knowingly makes a false statement, representation, or certification. The North Dakota draft legislation states that any person who in any affidavit, testimony or report required by the Bureau, safety review board, Labor Commissioner or the district court in the performance of duties under this chapter knowingly makes any false statement, shall upon conviction be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 3 years or both. The lack of the words "representation and certification" in the North Dakota legislation does not make its overall enforcement procedure less effective than the Federal system.

The operation of the North Dakota penalty system will be subject to review during continuing evaluation of the North Dakota plan under section 18(e) of the Act. In particular, attention will be directed to implementation of the regulations establishing mandatory "first-instance" civil penalties as they affect the authority of the Workmen's Compensation Bureau to develop an "at least as effective" enforcement program.

3. *Decision.* After careful consideration of the North Dakota plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan, and the State's Developmental Schedule as set out below.

Pursuant to § 1902.20(b)(iii), the present level of Federal enforcement in North Dakota will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of North Dakota.

The North Dakota plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Introduction of enabling legislation in the Legislative Assembly January 1973;

(b) Public hearings on the adoption of Federal standards to be commenced by April–May 1973;

(c) Hiring and training of additional compliance officers, July 1973;

(d) Formation of the Safety Review Board, July 1973;

(e) Adoption of Federal standards and revocation of existing State standards, July 1, 1973;

(f) Adoption of 29 CFR Parts 1903, 1904, and 1905 as rules and regulations of North Dakota, July 1973;

(g) Implementation of Management Information System, July 1973;

(h) Hiring of additional compliance officers, July 1974.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667) Part 1952 is hereby amended by adding thereto a new Subpart G as follows:

Subpart G—North Dakota

Sec.
1952.130 Description of the plan.
1952.131 Where the plan may be inspected.
1952.132 Level of Federal enforcement.
1952.133 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart G—North Dakota

§ 1952.130 Description of plan.

(a) The plan identifies the North Dakota Workmen's Compensation Bureau as the State agency designated to administer the plan. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. The plan states that the Workmen's Compensation Bureau is currently exercising inspection authority to enforce State standards in places of employment in the State covered by workmen's compensation insurance.

(b) (1) The plan includes proposed draft legislation to be considered by the North Dakota Legislature during its 1973 session, amending Title 65, Chapter 65-01 of the North Dakota State Code and related provisions, to bring them into conformity with the requirements of Part 1902 of this chapter. Under the legislation the Workmen's Compensation Bureau will have full authority to enforce and administer laws respecting safety and health in all workplaces of the State, with the exception of Parts 1915, 1916, 1917, and 1918 of this chapter (ship repairing, shipbuilding, shipbreaking, and longshoring).

(2) The legislation further proposes to bring the plan into conformity with the requirements of Part 1902 of this chapter in areas such as procedures for variances and the protection of employees from hazards; procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint of imminent danger situations.

(3) The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provisions for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings; and coverage of employees of political subdivisions.

(c) The plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of North Dakota. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for a merit system for personnel, upon enactment of the proposed legislation by the State Legislature.

(d) The North Dakota plan includes the following documents as of the date of approval:

(1) The Plan description document with proposed legislation and compliance manual;

(2) Letter from Daniel L. Evans, Counsel, Workmen's Compensation Bureau to Charles Boyd, Office of Federal and State Operations, November 6, 1972, with the proposed amendment to include agriculture under workmen's compensation insurance;

(3) Letter from Daniel L. Evans to Thomas C. Brown, Director, Office of Federal and State Operations, November 21, 1972, clarifying issues raised during the review process;

(4) Letter from Bronald Thompson, Chairman, Workmen's Compensation Bureau to Thomas C. Brown, December 19, 1972, clarifying the remaining issues raised during the review process.

(5) Letter from Bronald Thompson, to Thomas C. Brown, January 16, 1973, clarifying coverage under the State plan.

(e) The public comments will also be available for inspection and copying with the Plan documents.

§ 1952.131 Where the Plan may be inspected.

A copy of the complete Plan may be inspected and copied during normal business hours at the following locations: Workmen's Compensation Bureau, State Capitol, Room 10, Ninth Floor, Bismarck, ND 58501; Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Federal Building, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, CO 80202; and Office of Federal and State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.132 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in North Dakota will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.133 Developmental schedule.

The North Dakota plan is developmental. The following is the schedule of developmental steps provided by the Plan:

(a) Introduction of enabling legislation in the Legislative Assembly January 1973;

(b) Public hearings on the adoption of Federal standards to be commenced by April–May 1973;

(c) Hiring and training of additional compliance officers, July 1973;

(d) Formation of the Safety Review Board, July 1973;

(e) Adoption of Federal standards and revocation of existing State standards, July 1, 1973;

(f) Adoption of Parts 1903, 1904 and 1905 of this chapter; as rules and regulations of North Dakota, July 1973;

(g) Implementation of Management Information System; July 1973;

(h) Hiring of additional compliance officers, July 1974.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1573 Filed 1-24-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of New Jersey Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibilities for the development and enforcement of State occupational safety and health standards.

On July 3, 1972, the State of New Jersey submitted a comprehensive developmental Occupational Safety and Health plan in accordance with these procedures and on August 26, 1972, a notice was published in the FEDERAL REGISTER (37 FR 17447) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The plan provides for the enactment and implementation of legislation which will establish a comprehensive occupational safety and health program in New Jersey that will apply to all industries in the State except establishments engaged in freight and passenger transportation on the open seas or inland waters or establishments furnishing such incidental services as lighterage, towing, and canal operation. The major provisions of the plan and the proposed schedule for its development are summarized in the new Subpart H of 29 CFR Part 1952 set forth below.

Interested persons were afforded 30 days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of the plan.

2. *Issues.* Pursuant to this notice several comments and requests to be heard orally were received from interested persons and organizations including the Woodbridge Area Chamber of Commerce, the New Jersey Chamber of Commerce, Suburban Propane, the New Jersey Chapter, American Society of Safety Engineers, the Oil, Chemical and Atomic Workers, International Union, Merck & Co. Inc., the AFL–CIO Standing Committee on Safety and Occupational Health, the Shell Oil Co., the New Jersey Manufacturers Association and the U.S. Steel Corp. Although these comments demonstrate strong preferences for widely differing methods of administration from those that have been proposed, they did not indicate that the plan failed in any material way to meet the criteria for acceptability as set forth in section 18(c) of the Federal act or 29 CFR Part 1902. For these reasons requests for an informal hearing are denied as not being sufficiently substantial. On the basis of an analysis of the material received and in light of the differences between the New Jersey proposed program and the Federal safety and health program, a discussion of the following major issues however, is appropriate.

Under the Federal program only employers and employees have responsibilities for providing safe and healthy places of employment. The New Jersey program, however, also directs such responsibility to "owners" of establishments used as places of employment with respect to such matters as their structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egress, fire warning systems and safe elevator systems. Appropriate assurance is provided to the effect that this will not relieve any employers as distinguished from owners from their responsibilities. With regard to these matters the New Jersey plan would (1) make "owners" subject to the penalties and enforcement procedures to which employers are subject, (2) require "owners" of structures to be erected and used as places of employment to submit plans for approval and (3) provide for the enforcement of provisions of the State building code with respect to such structures. Although these factors do not appear to detract in any way from the acceptability of the plan, some of the activities involved in (2) and (3) above may in many respects concern matters that only indirectly and perhaps remotely affect occupational safety and health. Therefore, it will be necessary to determine in considering any grant application under section 23(g) of the Federal Act what portion of these program components substantially relate to employees and their places of employment in issues covered by the Federal standards[1] because the Federal share of the funding of the State program will have to be based on an amount not exceeding the cost of this base. In addition, other sources of financing would operate to reduce the Federal share.[2]

Unlike the Federal program, the New Jersey proposed law does not provide for adjudication of contested citations by an independent quasi-judicial agency. Instead, hearing examiners are appointed by the enforcing agency and their decisions are subject to review by its director. This results in the final judge in administrative adjudications of contested citatons being the same person who directs the enforcement operations. His decisions are subject to judicial review by the New Jersey Superior Court. Accordingly, for such review procedure to provide an adequate level of procedural fairness, it would appear necessary that it incorporate assurance that no employee engaged in the investigative or prosecuting functions of a case shall participate in the agency review of it (cf. 5 U.S.C. 554). In evaluating the implementation of the New Jersey program, compliance with this procedural safeguard will be expected.

The New Jersey proposed law provides what is commonly known as the "red-tag" method of coping with "imminent dangers." Instead of the court injunction available under the Federal program, the

[1] Such standards when applicable to a class of persons larger than employees are themselves limited in application to employees and their places of employment. See 29 CFR 1910.5(d).

[2] See 29 CFR Part 1951, in particular Sec. 1951.22; also Sec. 104(a) Revenue Sharing Act of 1972 (Public Law 92-512).

State administrative agency can issue an order to an employer to take corrective action or to cease specific operations until a hazard is removed. To help assure compliance (1) the State agency is empowered to seek injunctions enforcing such orders, (2) failure to comply with such orders will establish a prima facie case of willfulness, and (3) aggrieved persons may seek a writ requiring action where the agency has arbitrarily or capriciously failed to act. To protect the procedural rights of employers, the law requires (1) the provision of a hearing and decision within 48 hours of a request, and (2) that reinspection be made within 1 working day of receipt of notice from the employer that the hazard has been eliminated. If the agency fails to so inspect, the order expires. Although this 1-day period gives the agency little time to act, it must be viewed in light of the fact that it does not run until after the employer has served upon the agency his statement that he has taken appropriate action, thus subjecting himself to possible criminal sanctions under the proposed act if such statement is false. These methods proposed by the State to enforce its orders to cope with imminent dangers appear reasonably calculated both to ensure compliance and to protect employers against abuse of agency power.

The State's proposed law respecting maximum civil penalties is no different from those established under the Federal act. However, the State has proposed a different formula for determining whether the maximum or some lesser amount should be assessed with respect to particular violations. Instead of starting at a fixed amount and reducing it for size, gravity, good faith, and history, the State proposes to assign a given weight to each of these factors and multiply them together to determine the amount of the penalty.

As examination of the contemplated application of the State formula reveals that it may result in the assessment of greater penalties than the current Federal formula used by the Secretary of Labor (See Compliance Operations Manual—January 1972 (OSHA 2006) Chapter XI), it appears that it will be at least as effective as the Federal method in encouraging safe practices. Nevertheless, a careful study of the formula's application in actual operation will be made in future evaluation of the Plan under section 18(e) of the Act.

3. *Decision.* After careful consideration of the New Jersey plan and comments submitted regarding the Plan, the Plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the Plan and the State's Developmental Schedule as set out in § 1952.143 below.

Pursuant to § 1902.20(b)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in New Jersey will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a crosssection of all industries on a random basis. About 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Jersey.

Part 1952 is hereby amended by adding thereto a new Subpart H reading as follows:

Subpart H—New Jersey

Sec.
1952.140 Description of the Plan.
1952.141 Where the Plan may be inspected.
1952.142 Level of Federal enforcement.
1952.143 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart H—New Jersey

§ 1952.140 Description of the Plan.

(a) The Plan identifies the Department of Labor and Industry of the State of New Jersey (hereafter called the State agency) as the agency designated by the Governor of the State to administer the Plan. It will cover all places of private and public employment except those whose major activities are within water transportation industries as described in Major Group 44 of the 1972 edition of the Standard Industrial Classification (SIC) Manual of the Office of Management and Budget of the Executive Office of the President.

(b)(1) The Plan requires employers of one or more employees to furnish them employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational rules and orders promulgated or issued by the State agency. The Plan also directs employees to comply with all occupational safety and health rules and orders that are applicable to their own actions and conduct.

(2) The Plan also requires each owner of any premises used in whole or in part as a place of employment to be responsible for its structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egresses, fire warning systems and safe elevator systems.

(c) The Plan provides for the adoption of standards published in this Chapter XVII of Title 29 of the Code of Federal Regulations (see 37 FR 22102, 22458, and 27503) without public proceedings as well as procedure for the adoption of differing and additional more effective standards on the basis of procedures providing for public participation therein. There is also provision for maintaining existing safety and health standards until superseded for a maximum of 5 years.

(d) The plan provides that the State agency is to have full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. It also proposes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from hazards. The plan provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers and owners, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(e) The Plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of New Jersey. The Plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature. A merit system of personnel administration will be used. In addition, efforts to achieve voluntary compliance will include both on and off site consultations with employers. (cf. the approval of the Washington State plan in Subpart F of this part.)

§ 1952.141 Where the Plan may be inspected.

A copy of the complete 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, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, NY; and the Office of the Assistant Commissioner of Labor Relations and Work Place Standards of the Department of Labor and Industry of New Jersey, Room 1301, John Fitch Plaza, Trenton, N.J.

§ 1952.142 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in New Jersey will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its target safety and target health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.143 Developmental schedule.

The New Jersey plan is developmental. The following is the schedule of the major developmental steps provided by the Plan:

(a) Introduction of enabling legislation, January 1973.

(b) Integrate Migrant Labor Inspection Activities Into the State Plan, June 1973.

(c) Passage of enabling legislation, June 1973.

(d) Complete Phase I of Standards Revision and Promulgation as described in detail in the Plan, September 1973.

(e) Adopt Part 1904 of this chapter, Regulations for Employer Reporting, September 1973.

(f) Adopt Federal Standards on Employee Access to Information Regarding Exposure to Toxic Materials or Harmful Physical Agents, October 1973.

(g) Promulgate Rules on Noncompliance, Employee Discrimination, Imminent Danger, October 1973.

(h) Promulgate Rules on Trade Secrets, Ocotber 1973.

(i) Complete Phase II of Standards Revision and Promulgation as described in detail in the Plan, January 1974.

(j) Complete Phase III of Standards Revision and Promulgation as described in detail in the Plan, July 1974.

(k) Complete Phase IV of Standards Revision and Promulgation as described in detail in the Plan, January 1975.

(l) Implement Safety Program for Public Employees, March 1975.

(m) Complete Phase V of Standards Revision and Promulgation as described in detail in the Plan, May 1975.

(n) Complete State Plan Implementation, June 1975.

Signed at Washington, D.C., this 22d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-1572 Filed 1-24-73;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

OFFICERS, CLASSIFICATION, AND EXAMINATION

Effective Date; Correction

In FR Docs. 73-16 and 15, which appear at pages 731 and 732, in the issue of Thursday, January 4, 1973, Parts 1604, 1622, 1623, 1625, 1628, 1630, 1631 and 1680 are amended by changing the effective date now reading December 31, 1972, to read January 6, 1973.

BYRON V. PEPITONE,
Acting Director.

JANUARY 19, 1973.

[FR Doc.73-1536 Filed 1-24-73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 71-102R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hutchinson River, N.Y.

This amendment changes the regulations for the Hutchinson River Parkway drawbridge across the Hutchinson River, Bronx, N.Y., to require at least 6 hours notice at all times. This amendment was circulated as a public notice dated October 14, 1971 by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-102) on October 14, 1971 (36 FR 19981). Six comments were received. Three were referred to the City of New York because they concerned safety of the public and were not related to navigation. One comment discussed vehicular traffic delays at the Hutchinson River Parkway bridge and other bridges in this area. It was suggested that in addition to the 6 hours notice proviso the draws of these bridges remain closed to navigation from 7-9 a.m. and 4:30-6:30 p.m., to expedite rush hour vehicular traffic. However, tidal conditions dictate when a vessel may transit this reach of water, in part, so this suggestion has not been adopted. Two objected to any change in the regulations because of tidal fluctuations and the depth restrictions in the channel which frequently require high water to enter or depart from various facilities on the waterway. However, it is felt by the Coast Guard that this change will not impose undue restrictions on navigation and this change is adopted. If additional data demonstrates the need for further amendments, such action will be taken at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.155(b) to read as follows:

§ 117.155 Hutchinson River, N.Y.; bridges.

* * * * *

(b) All bridges, except the Eastchester Creek Bridge (I-95) and the Hutchinson River Parkway Bridge, shall open promptly on signal. The Eastchester Creek (I-95) and Hutchinson River Parkway bridges shall open promptly on signal if at least 6 hours notice has been given.

* * * * *

(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 February 26, 1973.

Dated: January 18, 1973.

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

[FR Doc.73-1557 Filed 1-24-73;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 3F1305) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing to increase the established 3 parts per million tolerance for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodity plums (fresh prunes) to 7 parts per million.

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

1. The insecticide is useful for the purpose for which the increased tolerance is being established.

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), § 180.259 is amended by revising the paragraph "7 parts per million * * *" and by deleting the words "plums (fresh prunes)" from the paragraph "3 parts per million * * *", as follows:

§ 180.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

* * * * *

7 parts per million in or on apricots, peaches, plums (fresh prunes), and strawberries.

* * * * *

3 parts per million in or on apples and pears.

Any person who will be adversely affected by the foregoing order may at any time before February 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 26, 1973.

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

Dated: January 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1499 Filed 1-24-73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.52—Procurement of Special Items

JEWEL BEARINGS

These changes are being made to implement revised FPR 1-1.319, Procurement of items using jewel bearings. A reference to this FPR is being made in § 9-5.5207-5.

In Subpart 9-5.52, Procurement of Special Items, a new § 9-5.5207-5, Jewel bearings, is added as follows:

§ 9-5.5207-5 Jewel bearings.

See FPR 1-1.319.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective on January 26, 1973.

Dated at Germantown, Md., this 16th day of January 1973.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.73-1497 Filed 1-24-73;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5327]

[Idaho 2337]

IDAHO

Powersite Restoration No. 659; Partial Revocation of Powersite Reserve No. 193; Final Revocation of Powersite Reserves Nos. 386, 467 and 481

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and pursuant to a determination of the Federal Power Commission in DA-594-Idaho, it is ordered as follows:

1. The Executive orders of July 26, 1911, July 10, 1913, December 15, 1914, and February 23, 1915, creating Powersite Reserves Nos. 193, 386, 467, and 481, respectively, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

POWERSITE RESERVE NO. 193

T. 9 S., R. 41 E.,
Sec. 18, lot 4, NE¼NE¼, S½NE¼, SE¼, E½SW¼;
Sec. 19, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 20, W½SW¼;
Sec. 30, NW¼NE¼, E½SE¼;
Sec. 31, NE¼NE¼, SW¼NE¼.

POWERSITE RESERVE NO. 386

T. 11 S., R. 44 E.,
Sec. 4, SE¼NE¼, NE¼SE¼.

POWERSITE RESERVE NO. 467

T. 9 S., R. 41 E.,
Sec. 18, NW¼NE¼.

POWERSITE RESERVE NO. 481

T. 12 S., R. 41 E.,
Sec. 28, N½N½.

The areas described aggregate 1194.42 acres in Caribou, Bear Lake, Franklin, and Bannock Counties.

2. All of the lands in paragraph 1, except those described as the E½SE¼, sec. 18, T. 9 S., R. 41 E., and the SE¼NE¼, NE¼SE¼, sec. 4, T. 11 S., R. 44 E., are either patented or withdrawn for other purposes. Some of the lands described in T. 9 S., R. 41 E., have previously been restored from the withdrawal made for powersite purposes in Powersite Reserve No. 193, subject to the provisions of section 24 of the Act of June 10, 1920, supra. The effect of this order is to relieve the restored lands of the limitation prescribed by said section 24.

3. At 10 a.m. on February 23, 1973, the unpatented, unreserved public lands described in paragraph 2 of this order, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 23, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1546 Filed 1-24-73;8:45 am]

[Public Land Order 5328]

[Wyoming 34023]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the North Platte project:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 62 W.,
Sec. 20, SW¼SE¼;
Sec. 29, W½SE¼ N.
T. 26 N., R. 64 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SE¼.

The areas described contain 240 acres in Goshen County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1547 Filed 1-24-73;8:45 am]

[Public Land Order 5329]

[Sacramento 4528]

CALIFORNIA

Withdrawal for Public Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and reserved for Forks of Butte Creek Recreation Area:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 3 E.,
Sec. 3, lots 2, 3, 4, and portions of lots 37 and 42, W½ lot 5, S½NW¼, SW¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, W½ NW¼SE¼, N½SW¼;
Sec. 4, lots 1 and 2, S½N½, SE¼;
Sec. 10, S½N½NE¼NW¼.
T. 24 N., R. 3 E.,
Sec. 22, E½E½NE¼, NW¼SE¼SW¼, S½ SE¼SW¼, E½SE¼, S½SW¼SE¼;
Sec. 26, NW¼NE¼, N½NW¼, SW¼NW¼, N½NW¼SW¼;
Sec. 27, N½NW¼NE¼, SE¼NE¼, SW¼, NE¼SE¼, exclusive of MS 5799, NW¼ SE¼, SW¼SE¼, exclusive of MS 5243 and MS 5799;
Sec. 34, lots 1, 2, lot 3 exclusive of MS 4480, lot 6 exclusive of MS 4480, lot 7 exclusive of MS 5243, lot 8 exclusive of MS 5243, portion of Mineral Lot 36 in SE¼ NE¼, W½.

The areas described aggregate 1,986.89 acres in Butte County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1548 Filed 1-24-73;8:45 am]

[Public Land Order 5330]

[Idaho 017334]

IDAHO

Withdrawal for Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation site:

BOISE MERIDIAN

T. 29 N., R. 4 W.,
Sec. 11, Lot 3;
Sec. 14, Lot 2.

The area described contains 61.72 acres in Nez Perce County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The withdrawal made by this order is subject to the withdrawal made by Powersite Reserves Nos. 8 and 77 of July 2, 1910, and to the provision that any definite plan of recreation development will be submitted to the Federal Power Commission before any structures or improvements are placed on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 18, 1973.

[FR Doc.73-1549 Filed 1-24-73;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

[General Order 109, Rev., Amdt. 5]

PART 390—CAPITAL CONSTRUCTION FUND

Deposits for Taxable Year 1972

The following regulations relate to the Merchant Marine Act, 1936 (46 U.S.C. 1177), as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein for taxable years beginning after December 31, 1969, and before January 1, 1973. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein for such years. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of the Treasury and the Secretary of Commerce and also appear under 26 CFR Part 3 (Treasury) and 50 CFR Part 259 (Fisheries).

In order to extend the provisions of the temporary regulations under section 21 (a) of the Merchant Marine Act of 1970 to taxable years beginning in 1972, § 390.1, Title 46, Chapter II, Code of Federal Regulations, is amended by revising so much of § 390.1 as precedes paragraph (a) of that section and by revising paragraph (d) of that section as follows:

§ 390.1 Capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1973, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

* * * * *

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1973.

(Sec. 607, Merchant Marine Act, 1936, 46 U.S.C. 1177, as amended by section 21(a), Merchant Marine Act of 1970, 84 Stat. 1026)

Dated: January 19, 1973.

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

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.73-1578 Filed 1-24-73;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18455; FCC 73-45]

PART 73—RADIO BROADCAST SERVICES

Remote Indicating Phase Monitors and Remotely Controlled Directional Stations

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations, Docket No. 18455, RM-1098.

1. In response to a petition filed by the National Association of Broadcasters (NAB), the Commission by a notice of proposed rule making, released February 28, 1969, initiated this proceeding, which contemplates the amendment of paragraphs (a)(5) and (6) of § 73.67 of the rules governing the operation by remote control of standard broadcast stations utilizing directional antennas, as follows (the underlined material would be added to the existing text):

(5) The indications at the remote control point of the antenna current meter, or, for directional antennas, the common point meter and the remote base current meters shall be read and entered in the operating log each half hour. If a station employs a phase monitor providing phase and loop current indications at the remote control point, these indications shall also be read and entered in the operating log each half hour, *Provided, however,* That the phase monitor employed is of a type approved by the Commission for providing such remote indications.

(6) The indications at the transmitter, if the station employs a directional antenna, of the common point current, base currents phase monitor sample loop currents and phase indications shall be read and entered in the operating log once each day for such pattern. These readings must be made within two hours after the commencement of operation for each pattern: *Provided, however,* That stations reading and logging phase monitor indications at the remote control point need only make readings and entries of indication at the transmitter once each day (for any directional pattern), regardless of any condition on the license which may require more frequent readings. However, no more

than 48 hours shall elapse between successive readings at the transmitter for a given mode of directional operation.

2. The effect of these rule amendments would be to relieve operators of a station employing more than one directional radiation pattern of the necessity for making more than one set of readings at the transmitter each day if the station employs a phase monitor type approved for its capability for providing phase indications at a remote control point, and such indications are in fact read and logged at that point.

3. The substance and effect of the amendments is generally in accord with NAB's proposals, with the exception that we proposed to permit the remote logging of phases only with suitable type approved monitors, a restriction not suggested by NAB. We noted that the great majority of existing monitors can be used for remote phase indications, if at all, only after extensive alteration, and the only assurance that accurate and reliable indications would be provided at a remote control point rested in a requirement that a monitor be employed which the Commission has established as acceptable for this purpose through the type approval procedure.

4. In a separate proceeding (Docket 18471) we proposed rules governing the type acceptance of phase monitors.

5. Our notice of proposed rule making herein set April 7, 1969, as the deadline for filing comments, and April 17, 1969, for filing reply comments. These dates were extended by subsequent orders to July 9, 1969, and August 8, 1969, respectively.

6. Twenty-seven comments by 26 parties were filed, and one reply comment. These parties are:

Wolf Broadcasting Corp. (WFRO).
American Broadcasting Companies, Inc. (ABC).
Kear and Kennedy (Kear).
Newhouse Broadcasting Corp. (Newhouse).
McClatchy Newspapers (McClatchy).
J. G. Rountree (Rountree).
KFXM Broadcasting Co. (KFXM).
Storer Broadcasting Co. (Storer).
The Association of Federal Communications Consulting Engineers (AFCCE).
John K. Birch (Birch).
A. Earl Cullum, Jr. and Associates (Cullum).
Walter F. Kean (2 filings) (Kean).
The McLendon Corp. (McLendon).
National Association of Broadcasters (NAB).
National Broadcasting Co., Inc. (NBC).
Badger Broadcasting Co. (WIBA).
Ralph J. Bitzer (Bitzer).
James A. Noe (Noe).
Mobil Video Tapes, Inc. (MVT, Inc.).
United Broadcasting Co. of New York, Inc. (UBC).
WEEU Broadcasting Co. (WEEU).
Association on Broadcasting Standards, Inc. (ABS).
Columbia Broadcasting System, Inc. (CBS).
Defense Electronics (DE).
Frank S. Colligan (Colligan).
Department of Education of Puerto Rico (reply comment).

7. All pleadings have been carefully considered. The parties agree that the reading and logging of phase indications at a remote control point should be permitted, if a phase monitor type approved for providing such indications is utilized. There is general agreement that with such facilities available, the present requirements for the reading and logging of indications of various parameters at the transmitter can be relaxed. However, there is a considerable difference of opinion as to the extent and terms of this relaxation.

8. The proposed rules stipulate that no longer than 48 hours may elapse between successive meter readings of the transmitter for a given directional pattern. Several of those commenting suggest that this interval should be somewhat further extended to provide greater flexibility for the licensee in scheduling and making the required readings at the transmitter. McClatchy and Kean suggest 50 hours in lieu of 48, Rountree 52 hours, AFCCE and CBS, 54 hours, while NBC and Noe urge that transmitter readings for a given mode of directional operation be made "at least every other day" (NBC) or "at intervals of not less than every second day" (Noe). On the other hand, DE states that in no case should more than 48 hours elapse "between inspections, and thus local readings". Furthermore, says DE, each licensee should be required to perform daily inspections for each pattern for some period of time after initiating remote operation. Noe suggests that if phases are read at the remote control point, the interval between times of logging these and other parameters should be increased from one-half hour to 1 hour.

9. Rountree notes that the Commission has interpreted § 73.67(a)(6) as not to require readings at the transmitter for any particular mode of directional operation which endures for a period of less than 1 hour, and requests that this interpretation be specifically reflected in the amended rules. He further believes that the application of the proposed rules to an operation involving only a single directional pattern is unclear. CBS suggests that if, in instances where two directional patterns are employed, it is feasible to reduce the frequency with which transmitter readings must be made to once every second day for each pattern, a station employing a single directional pattern should be required to log readings at the transmitter no more often than on alternate days.

10. If a directional antenna system has a record of proven stability and operates well within the required tolerance, Cullum and Storer state that weekly checks at the transmitter should be adequate. Birch also supports weekly transmitter readings in conjunction with the maintenance log requirements of § 73.114(a)(1)(i), and at the same time, would require checks of the calibration adjustments of the phase monitor.

11. UBC and WEEU suggest that when phases are read and logged at the remote control point, logging of indications at the transmitter should be necessary no more than 5 days per week (apparently to parallel the maintenance inspection schedule prescribed in § 73.93(j)). On the other hand, CBS is of the opinion that daily maintenance inspections are not necessary, and urges that any requirements for the logging of meter readings at the transmitter for pattern maintenance not be associated with the requirements for routine maintenance inspections.[1]

12. ABC believes it unnecessary to make daily base current readings at the transmitter if loop currents are read at the remote control point. ABS urges that the base current reading requirement be abolished where phase monitor loop sample currents are read remotely. However, a condition precedent to such abolition would be some standardization in the design and placement of the sampling loop circuits. Kear and Kennedy also emphasize the necessity for proper sampling circuits if loop currents are to be relied on in lieu of base currents. There is rather general agreement that if the station license permits the logging of phase monitor sample currents in lieu of remote base currents at the transmitter, the same latitude should be permitted at the remote control point, and, to the extent the proposed rule requires that both phase monitor current indications and base current indications be logged at the remote control point, it should be modified to require only one or the other, but not both.

13. A number of licensees who indicate that they are presently reading and logging loop current indications at their remote control locations, as "indications * * * of * * * remote base current meters" seek assurances they will not be required to install type approved phase monitors to continue this practice. It is also urged that if current indications of a type approved phase monitor are read and logged at the remote control point, it should be unnecessary to also read and log indications of base current, as the proposed rule would require.

14. ABC states its experience with the transmission of phase monitor indications to a remote control point indicates that serious errors may be experienced over a remote control system using telephone lines and direct current metering, and it found it necessary to utilize a tone telemetry system to minimize such errors. Storer also questions the feasibility of transmitting indications of small phase differences over DC systems because the extremely low voltages corresponding to such differences may be affected by induced potentials in the telephone metering lines.

15. Storer states, however, that there should be no difficulty in transmitting accurate indications, even from a precision phase monitor, if an adequate telemetry system is employed. It noted there is at least one type of precision monitor with facilities for remote indication.

16. Storer urges that we specify the procedure to be followed by a station

[1] In its Order In the Matter of Re-regulation of Radio and Television Broadcasting, adopted November 1, 1972 (FCC 72-967), the Commission amended § 73.93(j) so as to require transmitter inspections only once each week, with no less than 5 days between successive inspections.

licensee in replacing an existing phase monitor by a type approved monitor providing remote indications.

17. Cullum, ABS and CBS all urge that we provide in this proceeding for the use of limit alarms for phase and loop current indications. With such alarms, they state, it should be feasible to reduce greatly the frequency with which these indications are observed and logged. CBS proposes a modification of the proposed amendment of § 73.67(a)(5) which would permit the logging of phase and sample current indications at 4-hour intervals, if limit alarms are installed.

DISCUSSION

18. If facilities are provided at the remote control point for monitoring phases and current ratios, in addition to the parameters specified in present § 73.67 (a)(5), there is available to the operator at that point essentially all of the information concerning the functioning of the directional array which he would have if stationed at the transmitter. However, the indications read at the remote control point have accuracy and reliability comparable to indications observed at the transmitter only if an adequate telemetry system is employed, and the indicating instruments at the remote control point are maintained in accurate calibration.

19. The Commission does not prescribe more than the barest requirements for remote control systems, and relies on the judgment and diligence of station licensees to insure that the remote indicating and control facilities are fully adequate. Under such circumstances, while we are of the opinion that observations at the transmitter may be lessened in frequency in general accordance with the proposed rules, we are unable to agree with those parties who suggest that the provision of phase indications at the remote control point justifies a reduction in the schedule of readings at the transmitter to once a week.

20. With respect to the other relaxations requested, we agree that there is no necessity for observing and logging readings at the transmitter for any particular radiation pattern within a precise 48-hour interval, and realize such a strict limit may impose some hardship on licensees in scheduling transmitter visits. We are also impressed by the argument that when phase indications are read and logged at a remote control point, if it is feasible to reduce the frequency of transmitter readings for each mode of directional operation for a station utilizing two directional patterns, comparable relief should be afforded a station operating at all times with the same directional pattern (that is, DA-1). We further believe that a station operating nondirectionally daytime, and with a directional pattern at night (DA-N) merits the same consideration. Therefore, the rule amendments which we are adopting require readings at the transmitter every second day for each directional pattern, with no more than 54 hours elapsing between successive readings at the transmitter for each pattern. Of course, under such circumstances base currents need be read only in connection with other readings required at the transmitter. The amended rules permit this, even though a station license may require more frequent readings of base currents.

21. While, for remote control operation, we do not provide the full relief sought by UBC and WEEU—that transmitter readings not be required more than 5 days a week—we have afforded considerably increased flexibility even for a station with two radiation patterns. If the licensee wishes to schedule the times of transmitter visits so that readings for each pattern are made on the same day, he may omit transmitter readings on the next day. For a station using a single directional pattern, as much as 54 hours may elapse between the times readings are made at the transmitter.

22. We also are acting on Rountree's suggestion that since the Commission has interpreted the present rule as not to require readings at the transmitter for a period of operation in any directional mode of less than an hour in duration, the rule be amended to specifically provide for this relief.

23. Concerning the question as to what "current indications" must be read at the remote control point we would first observe that while paragraph (a)(5) of § 73.67, as now written, requires that "indications * * * of * * * remote base current meters shall be read and entered in the operating log * * *" the Commission has permitted phase monitor sample currents to be read and logged in satisfaction of this requirement if the station license permits sample currents to be read in lieu of base currents. However, under such circumstances the samples for the remote point are not "provided by the phase monitor" but are extracted from the sample lines feeding the phase monitor by such means that the accuracy of indication of the phase monitor is unaffected. This expedient has been required inasmuch as the majority of the older phase monitors do not include provisions for remote current indication, and the Commission wishes to discourage any attempt to alter a phase monitor to provide this capability, on the theory that its performance might be adversely affected by such alteration.

24. Modern phase monitors of designs eligible for type approval incorporate outputs suitable for remote current indication. Where such a phase monitor is employed, it offers a more convenient, less cumbersome, and probably more accurate means for providing current indications to a remote control point than methods requiring the extraction of currents for remote indication from sampling lines intended primarily to provide input currents for the phase monitor.

25. We agree with those parties who contend that, for directional antenna systems, it should be unnecessary to read and log at a remote control point more than one set of indications of relative tower current amplitudes. So, in the amended rules which we adopt, a licensee is given the option of reading and logging at the remote control point either (1) remote base current indications, (2) indications of currents extracted from phase monitor sample lines, or (3) if he has a type approved phase monitor, current indications provided by the phase monitor.

26. Under the provisions of the amended rules, where tower current indications are presently being provided to a remote control point by acceptable means, and are read and logged at the remote control point, this practice may be continued. However, if a licensee at its remote control point proposes to read and log phase relationships and/or current indications obtained from the output of a phase monitor, a type approved instrument ordinarily will be necessary. We believe that the rules, as revised, satisfy the objections of those who alleged that the rule, as originally proposed, would require them to install type approved monitors in order to continue reading indications of currents obtained from phase monitor sampling lines.

27. We particularly note that ABC and Storer question the feasibility of accurately and reliably transmitting phase monitor indications over a remote control system employing DC metering. ABC experienced serious errors in attempting to do this, and installed a tone telemetry system at KQV to achieve satisfactory operation. Storer points out that the extremely low voltages associated with indications of small phase differences may be affected by DC offset voltages induced in the telemetry lines by neighboring telephone circuits, thus producing erroneous readings.[2]

28. As emphasized in paragraph 19, above, the Commission does not prescribe engineering standards for remote control systems, but places on each licensee operating by remote control the burden of providing a system by which effective and reliable control of its transmitter is achieved and accurate indications of transmitter operating conditions are made available to the operator at the remote control point. Thus, if a licensee, pursuant to the amended rules, undertakes to read phase indications at a remote control point, it is expected that such changes will be made in the remote telemetry system as are found necessary to insure that the phase indications of the station monitor are accurately reproduced at its remote control point.

29. We note Storer's request that we specify a procedure to be followed when a licensee elects to replace an existing phase monitor with one approved for providing remote phase indications. We agree that it is desirable to establish such a procedure by rule, and have done so in paragraph (c) of new § 73.69, which

[2] Storer suggests that close-to-zero phase indications may be avoided by introducing additional phase shift in the sample line from the tower presenting the sensitive indication. Assuming that the condition for maximum stability of phase monitor indications is one in which equal amounts of phase shift occur in all sample lines, employment of this expedient, if it destroys such an equality, is, per se, undesirable.

is adopted contemporaneously in Docket 18471.

30. We are adopting Birch's suggestion that § 73.114 be amended to provide for a weekly entry in the maintenance log indicating that the calibration of the phase monitor has been checked. The calibration involves, in the types of phase monitors under consideration, the checking and readjustment, if necessary, of the zero and 180 degree points of the phase indicating meter. Calibration at weekly intervals is expected to be sufficient to maintain the required degree of repeatability.

31. We are also taking this opportunity to amend § 73.114 to require specifically the calibration of indicating instruments at a remote control point at weekly intervals. While we believe that this practice is generally followed by licensees operating by remote control, and is in general conformity with the requirements of § 73.39 regarding the calibration of remote reading instruments, there has been heretofore no unambiguous requirement for calibration of indicating instruments at a remote control point.

32. In the amendment of § 73.67(a)(5) proposed by NAB, and in the somewhat modified version of its proposal offered for comment by the Commission, phase indications, if they are provided at the remote control point would be read and entered in the operating log at successive intervals corresponding to those prescribed for the logging of other operating parameters in the rules as it existed at the time this proceeding was begun, namely, once each half hour. Various parties urged that such frequent entries in the log were unnecessary and burdensome, and made various suggestions for the lengthening of the interval between successive entries.

33. Substantial relief recently has been provided in this area by the adoption, on November 1, 1972, of an Order, "In the Matter of Re-regulation of Radio and Television Broadcasting" (FCC 72-967), which, among other things, amends §§ 73.113(a)(3) and 73.67(a)(5) to such effect as to lengthen the interval between successive entries of parameters in the operating log at the remote control point from one-half hour to 3 hours. In the rule amendments adopted herein we, of course, have incorporated this change, and have specified the same schedule for the logging of phase indications at the remote control point.

34. In the light of this relaxation in the logging requirements for stations with directional antennas operating by remote control, little justification remains for maintaining a more demanding requirement for such stations when not so operated. Heretofore, this requirement, which specifies the observation and logging of phase indications and remote base currents or sample currents once each hour, has not been contained in our rules, but is set forth in each station's instrument of authorization. In the amendment of § 73.113, as described below, we now establish, by rule, a 3-hour schedule for entry of these parameters in the operating log, which will take precedence over the schedule specified in current instruments of authorization. It is anticipated that when licenses are renewed, such logging schedules will be deleted, and reliance will be placed on the rules to provide guidance in this matter.

35. In our notice of proposed rule making in this proceeding we stated that if § 73.67(a)(5) and (a)(6) were amended it would be necessary, at the least, to make corresponding amendments in those portions of § 73.113 (Operating Log) dealing with remote control operation. We further indicated our belief that the substance of paragraphs (a)(5) and (a)(6) of § 73.67 might, in any event, be more appropriately situated in § 73.113 than at its present location, and that we would give consideration to such a change once we had decided on the changes to be made in the logging requirements for remote control operation.

36. In the amendments to the rules which we are adopting we are deleting paragraphs (a)(5) and (a)(6) of § 73.67, and transferring the substance of paragraph (a)(5), as amended to § 73.113 (Operating Log), as we had contemplated. However, the amended substance of paragraph (a)(6) is placed in § 73.114 (Maintenance Log).

37. In determining on the specific form of the rule amendments at this time, our decision has been influenced by the intervening adoption, in Docket 18930, of amendments to § 73.93, that section of the rules governing radio operators at standard broadcast stations. Pursuant to these amended rules, other than first class operators under certain circumstances may be utilized for routine transmitter duty at stations having directional antennas. Since the duty operator is normally responsible for the entries required in the operating log, the amendment of § 73.93, without a corrective amendment of § 73.113 would have created a situation where a lesser grade operator would have been permitted or required to make the periodic observations at the transmitter required when a station is operated by remote control—obviously a function which should be performed by a first class radiotelephone operator. At the time amended § 73.93 was adopted, this matter was resolved temporarily by a contemporaneous amendment of § 73.113(a), to reserve such observations for the first class operator.

38. Our permanent solution for this problem is to require that all observations at the transmitter attendant to remote control operation be entered in the maintenance log (§ 73.114), rather than in the operating log, and to make explicit what has heretofore been implicit, that entries in this log, and the observations or maintenance procedures which they reflect, are in the sole province of a first-class radiotelephone operator. At the same time, we are including in the maintenance log a general schedule for readings of the base currents in the elements of directional antennas. Until the recent amendment of § 73.93 (see § 73.93(e)(3)), we have specified in our rules no requirements for such readings, but consistently have included them in the instrument of authorization for each station. Generally, daily (seven times a week) readings for each directional radiation pattern have been required. In a few cases, on the basis of special showings by licensees, the Commission has authorized base current observations at less frequent intervals.

39. By including the base current observation requirement in § 73.114 of our rules, we will obviate the necessity for including it in each station authorization. At the same time, we are reducing the frequency of observations for all directional stations (other than those operating by remote control, or those whose authorizations now specify observations at longer than daily intervals) from daily to five times a week, for each pattern, and have specified the observations to be made and the information to be recorded to be in accord with the substance of § 73.93(e)(3). Having done this, we are deleting this requirement from § 73.93, where it will no longer serve a useful purpose. The only additional burden placed on licensees, in general, is that involved in meeting the specific requirement that deviations of the ratios of the observed currents from licensed values be computed and recorded. However, it seems obvious that such computations must be made, in any event, if compliance with § 73.52(b) of the rules is to be assured; thus, the actual burden imposed would appear to be minimal, or nonexistent. Particularly in the case of stations operating by remote control, we expect that licensees will find it is more convenient to enter these readings in the maintenance log than in the operating log. However, since both logs will henceforth be required to give the Commission a complete picture of the technical operation of the station, we expect to modify section II of FCC Form 303, the application for renewal of station license, to require the submission of the maintenance log, in addition to the operating log for the composite week.

40. Finally, we call attention to the fact that this proceeding from its inception, in various aspects, has been concerned with an instrument designated as a phase monitor. Comments and reply comments generally referred to the instrument by this name, and we employed this appellation in our discussion of the issues involved. However, most phase monitors include facilities for indicating the relative amplitudes of the RF signals applied to their input terminals, and monitors type approved by the Commission must include such facilities. Therefore, we have decided to follow the practice which has now become rather general, and henceforth designate an instrument designed to monitor the relative phases and amplitudes of the currents in the elements of a directional array as an antenna monitor. This term has been employed throughout the appended rules.

41. The rules adopted herein, we believe, provide a substantial degree of relief from certain of the requirements

for the surveillance of standard broadcast stations with directional antennas, and are consistent with our current efforts toward the re-regulation of radio and television broadcasting. As our studies in this field progress, if further relaxation of these rules appear appropriate and feasible, they will be adopted.

42. *Accordingly, it is ordered,* That, effective April 20, 1973, Part 73 of the rules and regulations is amended as set forth below. Authority for this action is found in §§ 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

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

Adopted: January 10, 1973.

Released: January 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

§ 73.67 [Amended]

1. In § 73.67, subparagraphs (5) and (6) of paragraph (a) are deleted.

2. In § 73.113, paragraph (a) is amended to read as follows:

§ 73.113 Operating log.

(a) Entries shall be made in the operating log either manually by a properly licensed operator in actual charge of the transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this section. Indications of operating parameters shall be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications shall be logged, accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by modulation of the carrier shall be read without modulation. The actual time of observation shall be included in each log entry. The operating log shall include the following information:

(1) For all stations:

(i) Entries of the time the station begins to supply power to the antenna and the time it ceases to do so.

(ii) Entries required by § 17.49 (a), (b), and (c) of this chapter concerning daily observations of tower lights.

(iii) Any entries not specifically required in this section, but required by the instrument of authorization or elsewhere in this part. See, particularly, the additional entries required by § 73.51 (e)(2) when power is being determined by the indirect method.

(iv) The following indications shall be entered in the operating log at the time of commencement of operation, and, thereafter, at successive intervals not exceeding 3 hours in duration.

(*a*) Total plate voltage and total plate current of the last radio stage.

(*b*) Frequency monitor reading.

(*c*) Antenna current or remote antenna current (for nondirectional operation); common point current or remote common point current (for directional operation).

(2) For stations with directional antennas not operated by remote control the following indications in addition to those specified in subparagraph (1) of this paragraph shall be read and entered in the operating log at the time of commencement of operation, and, thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

(i) Phase indications.

(ii) Remote antenna base current or antenna monitor sample current or current radio indications.

(3) For stations with directional antennas operated by remote control, the following indications in addition to those specified in subparagraph (1) of this paragraph shall be read and entered in the operating log at the time of commencement of operation and thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

(i) Either remote indications of base currents, or currents extracted from antenna monitor sampling lines, or current indications or their ratios provided by a type-approved antenna monitor.

(ii) Phase indications, if provided by a type-approved antenna monitor.

* * * * *

3. Section 73.114 is amended by adding new paragraphs (a)(1)(v)–(vi), (a)(2)(vii), (6), (7), (8), and (9).

§ 73.114 Maintenance log.

(a) All entries in the maintenance log specified hereunder shall be made by the holder of a first-class radiotelephone license, and shall reflect the results of maintenance procedures or of observations performed by him.

(1) An entry each week of the following shall be made where applicable.

* * * * *

(v) A notation of the calibration check of the antenna monitor.

(vi) A notation of the calibration check of indicating instruments at each remote control point against the instruments at the transmitter.

(2) * * *

(vii) Antenna monitor.

* * * * *

(6) If required by the station authorization or § 73.93(e)(5), the results of field strength measurements at the monitoring points specified in the station authorization.

(7) If a remote antenna ammeter normally employed to provide indications of antenna or common point current for entry in the operating log (see § 73.113) becomes defective, entries once each day, for each mode of operation, of such antenna or common point current, until such time as the defective remote antenna ammeter is repaired or replaced.

(8) For stations with directional antennas, in addition to those entries of operating parameters required in the operating log (see § 73.113), specific entries shall be made in the maintenance log, based on observations made without modulation, if instrument readings are affected by modulation. The date and time of each observation shall be shown. The schedule for making such observations and entries is set forth in subparagraph (9) of this paragraph. The entries are as follows:

(i) Common point current.

(ii) Base currents, their ratios, and the deviation of those ratios, in percent, from the licensed values.

(iii) Remote base current or sample current indications, the computed or indicated ratios of those currents, and the deviation of such ratios, in percent, from values specified in the license.

(iv) Phase indications.

(9) The entries in subparagraph (8) of this paragraph shall be made pursuant to the following schedule:

(i) For stations not operated by remote control, entries shall be made once each day, 5 days of each week, for each directional radiation pattern, regardless of any provision in the station authorization for more frequent entries: *Provided,* That, if a first-class radiotelephone operator is on duty at the transmitter for all periods of operation with a directional radiation pattern, and the station authorization permits antenna base current readings at less frequent intervals than specified in this subparagraph, entries may be made pursuant to the schedule specified in that authorization.

(ii) For stations operated by remote control, where phase indications are not observed and entered in the operating log at the remote control point, the entries specified in subparagraph (8) of this paragraph shall be based on observations made at the transmitter not more than 2 hours after the time of commencement of operation with each directional radiation pattern: *Provided,* That, if any separate period of operation with a specific pattern does not exceed 1 hour in duration, observations and entries for such period need not be made. If a station utilizes a single directional radiation pattern during all hours of operation, observations and entries shall be made once each day, with no fewer than 12 hours elapsing between successive observations.

(iii) For stations operated by remote control, where phase indications provided by a type-approved antenna monitor are observed and entered in the operating log at the remote control point, the entries specified in subparagraph (8) of

[1] Commissioner H. Rex Lee concurring and issuing a statement, which is filed as part of the original document; Commissioner Hooks absent.

this paragraph shall be based on observations made at the transmitter every second day for each directional radiation pattern, with no longer than 54 hours elapsing between successive observations for the same pattern. (This schedule shall apply regardless of any provision in the station authorization requiring more frequent observations.)

* * * * *

[FR Doc.73-1562 Filed 1-24-73;8:45 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 252—LOANS UNDER THE EMERGENCY RAIL FACILITIES RESTORATION ACT

The purpose of this amendment is to establish a new Part 252 setting forth the procedures and requirements of the Federal Railroad Administration, in filing applications with the Administrator for loans pursuant to the Emergency Rail Facilities Restoration Act (Public Law 92-591).

Since this new Part 252 establishes agency procedures and in view of the emergency nature of the underlying statute authorizing loans, notice and public procedure thereon are impracticable and the procedures can be made effective immediately.

REGULATIONS GOVERNING APPLICATIONS

Sec.
252.1 Applicability.
252.3 Definitions.
252.5 Contents of application (railroads).
252.7 Contents of application (regional, State and local agencies).
252.9 Required exhibits.
252.11 Interest rates and term of loan.
252.13 Execution and filing of application.

Appendix A Required exhibits, documents and certificates.
Appendix B Forms.

AUTHORITY: Emergency Rail Facilities Restoration Act, Public Law 92-591; section 1.49 (o), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(o).

§ 252.1 Applicability.

This part prescribes the procedures governing applications for loans to:

(a) Railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205); or

(b) Railroads which have reported to the Interstate Commerce Commission in the railroad annual report a deficit net income for either of the calendar years ending December 31, 1970, or December 31, 1971; or

(c) Railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the calendar years ending December 31, 1970, or 1971 as reported to the Interstate Commerce Commission in the annual report form; or

(d) Regional, State, and local public bodies: For the purpose of restoring or replacing railroad facilities, equipment or services which were damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. In cases of applications by a railroad, such facilities must be determined to be essential to public service. In cases of applications by regional, State, and local bodies, such facilities must be needed for an efficient and coordinated railroad transportation system and conveyed to such agency pursuant to section 4(c)(4) of the Act.

§ 252.3 Definitions.

As used in this part—

"Act" means the Emergency Rail Facilities Restoration Act.

"Administrator" means the Federal Railroad Administrator.

"Railroad" means any common carrier by railroad subject to Part I of the Interstate Commerce Act (49 U.S.C. 1(3)).

"Applicant" means a railroad or the trustee(s) thereof, or a regional, State, or local public body, meeting the requirements of § 252.1.

§ 252.5 Contents of application (railroads).

(a) Each application by a railroad or the trustee(s) thereof shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the Applicant (or trustee, if applicable) and the transaction:

(1) Full and correct name and principal business address.

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(3) Statement of basis of eligibility for a loan:

(i) If a railroad in reorganization under section 77 of the Bankruptcy Act, with the original application, but not with copies thereof, copy of duly certified order of the court having jurisdiction of Applicant appointing the trustee(s), authorizing the filing of the application with the Administrator and the pledge of security for the loan; or

(ii) All applicants, with the original application but not with the copies thereof, certified copies of the railroad's annual report filed with the Interstate Commerce Commission for the calendar years 1970 and 1971; or

(iii) If a railroad under § 252.1(3), a certificate of the chief financial officer of the Applicant as to the total damage to Applicant's railroad facilities or equipment incurred as a result of the June 1972 disasters.

(4) Full description and location of all railroad facilities, equipment, and services of Applicant damaged or destroyed by the natural disasters which occurred in June 1972.

(5) With respect to all damaged or destroyed lines which are primarily used for the movement of through traffic specify:

(i) The total freight volume measured in net or gross ton miles per mile per year, handled for each of the calendar years 1970 and 1971 and for that part of 1972 for which information is available;

(ii) The number of trains handled over the line during a typical week; and

(iii) The alternative line or lines available, regardless of ownership, for movement of traffic, together with the estimated price differential to shippers using such alternative lines.

(iv) The names of shippers located on the line and the extent to which each is dependent upon the line for transportation, and if not so dependent, reasonable alternate means of transportation (rail and nonrail) available to such shippers.

(6) With respect to all damaged or destroyed lines which are primarily used to originate or terminate traffic specify:

(i) The total freight tonnage handled and total freight volume measured in gross or net ton miles per mile per year for each of the calendar years 1970 and 1971 and for that part of 1972 for which information is available, showing number of cars handled classified by principal commodities.

(ii) Total net revenue from railway operations derived from tonnage handled shown in paragraph (a)(6)(i) of this section.

(iii) The names of shippers located on the line and the extent to which each is dependent upon the line for transportation, and if not so dependent, reasonable alternate means of transportation (rail and nonrail) available to such shippers.

(7) Full description of the railroad facilities, equipment, and services which Applicant proposes to restore or replace together with advice as to whether the restoration or replacement will upgrade such facilities, equipment, or services, and whether the restoration or replacement has commenced or been completed at the time of the filing of the application, together with the dates of the commencement, completion or expected completion. If facilities, equipment, or services are to be upgraded, a statement as to the extent of the upgrading, and the estimated additional cost attributable to the upgrading.

(8) Where Applicant proposes to replace or repair less than the total amount of damaged or destroyed facilities, or equipment a detailed statement as to why the facilities and equipment are not scheduled for repair or replacement, and the basis for selecting those facilities and equipment proposed to be repaired or replaced.

(9) The estimated cost of the repair or replacement of the damaged or destroyed facilities and equipment set forth in paragraph (a)(7) of this section.

(10) The total amount of the loan sought.

(11) Description of the security for the loan including Applicant's opinion of the value of the collateral and the basis for the opinion.

(12) The date or dates on which the Applicant desires the funds to be made available.

(13) The proposed term of the loan, and repayment schedule. Where deferral of payment of principal and interest is sought, a detailed statement supporting the need for such deferral.

(14) (i) Statement that Applicant has endeavored to obtain a loan from private or other governmental sources but has been unable to obtain a loan therefor upon reasonable or practicable terms, and including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(ii) Copies of correspondence from all but not less than three lending institutions, to which application for the financing has been made, showing that they have declined the financing, or showing the terms upon which they will undertake the financing.

(15) Statement that the work to be performed will be performed under collective bargaining agreements by railroad employees. If railroad employees, including employees on furlough in the affected region are insufficient to perform such restoration or replacement, a statement giving assurances that the railroad employees on furlough, if not recalled by Applicant will be employed by a contractor to perform such work and that such employees shall be deemed to be railroad employees retaining all of the rights and privileges of railroad employees while so employed. These statements are not required with respect to work undertaken prior to October 27, 1972.

(16) With respect to the rights of way, track, and other related real and personal property on any branch line damaged or destroyed as a result of the June 1972 disasters, and which have not been scheduled for restoration or replacement, information as to those States or subdivisions thereof where the facilities are located, which propose to restore or replace such facilities, and assurances by Applicant that it will convey such facilities to such State or subdivision thereof, for just compensation, free and clear of all encumbrances. In the event a loan is approved by the Administrator, Applicant will be required to notify the Governor of each State, and publish for 3 consecutive weeks in a newspaper of general circulation within the area in which such branch line(s) or related property is located, notice of the requirements of sections 4(c) (4) and (5) of the Act; the location and description of the branch line(s) and related property which are not scheduled for restoration or replacement; that such facilities are available to regional, State, and local public bodies and agencies for just compensation, free of all liens and encumbrances; and that Applicant's obligation to make such offer of conveyance expires 1 year from the date of any loan made to Applicant under this Act.

(17) An assurance by the Applicant that the funds loaned under the Act will be used solely for the purpose of restoring or replacing facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972.

§ 252.7 Contents of application (regional, State and local agencies).

(a) Statement describing the facilities and equipment damaged or destroyed as a result of the June 1972 disasters and acquired by Applicant in accordance with the provisions of section 4(c)(4) of the Act.

(b) Certified copies of instruments evidencing acquisition of title by Applicant of such facilities and equipment.

(c) Statement as to the need for the establishment or re-establishment of railroad service in the affected area.

(d) Statement as to how Applicant proposes to provide railroad services in the area with the restored or replaced facilities and equipment.

(e) Estimated cost of restoring or replacing such facilities and equipment.

(f) Statement of Applicant's ability to furnish 20 percent of the estimated cost of restoring or replacement of such damaged facilities and equipment, and of the source of funds upon which Applicant relies to repay the loan.

(g) Statement giving assurances that Applicant will afford employees engaged in rail transportation services fair and equitable labor protective arrangements as described in the Rail Passenger Service Act of 1970 as amended (45 U.S.C. 565).

(h) An assurance by the Applicant that the funds loaned under the Act will be used solely for the purpose of restoring or replacing facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972.

§ 252.9 Required exhibits.

(a) Each application by a railroad and each copy thereof must have attached the exhibits listed in section 1 of Appendix A to this part. Each application by a regional, State, or local public body must have attached the exhibits listed in section II of said Appendix A to this part. If a particular exhibit is not applicable, the application shall so state.

(b) If the application is approved by the Administrator the documents listed in section III of Appendix A to this part, in cases of railroads, or in section IV of Appendix A to this part, in cases of a regional, State, or local public body, shall be deposited with the Administrator at least 3 business days before the transaction is closed, together with any other documents the Administrator may require.

§ 252.11 Interest rates and term of loan.

(a) Any loan made under this part shall bear interest at a rate determined by the Secretary of the Treasury at the time the loan is approved by the Administrator taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by no more than 2 per centum per annum. In no event will the rate of interest exceed 6 per centum per annum.

(b) The term of each loan shall be determined by the Administrator taking into consideration the amount of the loan and Applicant's ability to repay. Payment of principal and interest on the loan may be deferred by the Administrator for a period not to exceed 10 years from the date the loan is made where the Administrator determines it is necessary to insure the provision of essential transportation services of a railroad.

§ 252.13 Execution and filing of application.

(a) Each original application shall bear the date of execution and be signed by or on behalf of the Applicant. Execution on behalf of the Applicant shall be by an officer having knowledge of the matters set forth in the application. Each person signing the application on behalf of the Applicant shall also sign a certificate in the form as set forth in Appendix B to this part.

(b) Each original application shall include a certificate by the Chief Accounting Officer of the Applicant in the form set forth in Appendix B to this part.

(c) Each original application and supporting papers, and six copies thereof shall be filed with the Federal Railroad Administrator, Department of Transportation, Washington, D.C. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(d) If unusual difficulties arise in the furnishing of any of the exhibits required by § 252.9, or if such requirements are unduly burdensome in relation to the nature and amount of the loan the Applicant may, upon appropriate showing and with the consent of the Administrator, omit filing those exhibits.

(e) The Administrator may, with respect to individual loans, upon good cause, shown, waive or modify any requirement of this part not required by the Act or make any additional requirements he deems necessary.

(f) Applications for loans under the Act must be approved by the Administrator no later than June 27, 1973. Applications filed later than June 15, 1973, will not be considered.

Appendix A—Required Exhibits, Documents, and Certificates

Section I

The following exhibits must be submitted with respect to a railroad Applicant.

Exhibit 1. A duly certified copy of the Charter or Articles of Incorporation and the bylaws of the Applicant. (Submitted with the original application only.)

Exhibit 2. A certified copy of resolutions of the Board of Directors of the Applicant, or order of the reorganization court authorizing—

(i) The filing of the application; and

(ii) The pledge of security for the loan.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, and security delivered as contemplated by the application, the ob-

ligations will constitute the valid and subsisting obligations of the Applicant.

Exhibit 4. A map of all the railroad owned, operated, or leased by Applicant showing the lines damaged or destroyed by the June 1972 disasters.

Exhibit 5. A copy of the general balance sheet as of the latest available date but as of a date not earlier than the end of the third month preceding the date of filing of the application in form and detail similar to that required in schedules 200(a) and 200(1) of the Interstate Commerce Commission's annual report Form A.

Exhibit 6. To be filed only with the original copy of the application, a copy of the latest report of Applicant to its stockholders or of the trustee(s) to the reorganization court.

Exhibit 7. General statement setting forth the facts as to estimated prospective earnings and other funds upon which Applicant relies to repay the loan.

SECTION II

The following exhibits must be submitted with respect to regional, State or local public bodies and agencies.

Exhibit 1. Detailed statement of financial condition of Applicant for the last 2 years prior to filing the application including a statement of:

(a) Receipts and disbursements; and

(b) Bond issues or other long-term debt outstanding, showing date authorized, date issued, amount originally issued, balance outstanding, rate of interest, and final maturity date.

Exhibit 2. General statement setting forth the facts as to the source and amount of funds upon which Applicant relies to repay the loan.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, the obligations will constitute the valid and subsisting obligations of the Applicant.

SECTION III

Documents. The following documents must be submitted by a railroad under § 252.9 at least 3 business days before the closing of the loan transaction:

(1) A final opinion of counsel of the Applicant to the effect that he is familiar with the corporate and organizational powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them, and to pledge and hypothecate any securities pledged as collateral; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant; and that the securities or other obligations of the Applicant will obtain a lien on any security involved of the rank and priority represented by the Applicant. The opinion shall also cover the priority and lien of each item of the collateral offered.

(2) Certified copies of the resolutions of the Board of Directors of the Applicant or, where applicable, the order of the reorganization court, authorizing officers of the Applicant to execute and deliver the securities or other obligations and to give the security under and according to the terms of the loan as prescribed by the Administrator.

SECTION IV

Documents. The following documents must be submitted by a public body under § 252.9 at least 3 business days prior to the closing of the loan transaction:

(1) A final opinion of counsel for the Applicant to the effect that he is familiar with the legal powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant.

(2) Certified copies of resolutions of the governing body of the Applicant or where applicable the ordinance or statute authorizing officers of Applicant to execute and deliver the securities or other obligations according to the terms of the loan as prescribed by the Administrator.

APPENDIX B—FORMS

I. The following is the form of the certificate to be made by each person signing an application on behalf of an Applicant:

_____ certifies that he is the
(Name of Official)
_____ of the _____;
(Title of Official) (Name of Applicant)
that he is authorized by _____
(Name of Applicant)
TO SIGN and file with the Administrator this application and the attached exhibits; that he has carefully examined all of the statements contained in the application and the attached exhibits relating to _____; that he has knowledge
(Name of Applicant)
of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

_____ _____
(Date) (Signature)

II. The following is the form of the certificate to be made by the Chief Accounting Officer of Applicant:

_____ certifies
(Name of Officer)
that he is _____
(Title of Officer)
of _____; that he has
(Name of Applicant)
supervision over the books of account and other financial records of _____
(Name of Applicant)
and has control over the manner in which they are kept; that the accounts are maintained in good faith in accordance with the orders of the Interstate Commerce Commission or with generally accepted accounting principles and practices; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account, and that, other than the matters set forth in the attached exceptions those financial statements and supporting schedules represent a true and complete statement of the financial position of the Applicant; and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingency rental agreements, or other contingent transactions which might materially affect the financial position of the Applicant.

_____
(Date)

_____
(Signature)

Effective date. This amendment is effective January 2, 1973.

Issued in Washington, D.C., on January 22, 1972.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-1544 Filed 1-24-73;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wheeler National Wildlife Refuge, Alabama

The Bureau of Sport Fisheries and Wildlife announces fishing regulations for Wheeler National Wildlife Refuge, Alabama, effective March 1, 1973.

The following special regulation is issued and is effective on March 1, 1973.

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1973 through June 15, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 18, 1973.

[FR Doc.73-1553 Filed 1-24-73;8:45 am]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The Bureau of Sport Fisheries and Wildlife announces hunting regulations for Piedmont National Wildlife Refuge, Georgia, effective on February 1, 1973.

The following special regulations are issued and are effective on February 1, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. (The Hitchiti Experimental Forest is closed to turkey hunting.) The open area, comprising approximately 32,000 acres or 95 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Species permitted to be taken: Turkey gobblers with visible beards.

(2) Open season: April 16–21, 1973. Persons are permitted in the areas open for turkey hunting and on refuge maintained roads only between the hours of 4 a.m. and 12 noon, e.s.t., on the above-cited hunting days.

(3) Bag limit: Only one turkey gobbler per hunter during the 6-day hunt.

(4) All turkeys killed must be checked in at refuge headquarters the day killed and before leaving the area.

(5) Use of vehicles of all types are restricted to State and county roads.

(6) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open on April 7–8 and April 15–22, 1973.

(7) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(8) Hunt permits are nontransferable.

(9) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(10) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(11) All areas open for hunting may be visited for scouting purposes on April 7–8, 1973 during daylight hours only. Weapons and dogs are not permitted.

(12) A refuge permit is required to enter the public hunting area. A maximum of 300 permits will be issued for the entire 6-day hunt. Hunters will be selected by an impartial public drawing from the applications received. Applications for this permit must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed permit applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m. on March 28, 1973. Submission of more than one application for each hunter shall be cause for rejection of all his applications and is a violation of hunt regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 21, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 17, 1973.

[FR Doc.73–1550 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The Bureau of Sport Fisheries and Wildlife announces special regulations for fishing for Squaw Creek National Wildlife Refuge, Mo. The open season is April 1, 1973, through October 1, 1973.

The following special regulation is issued and is effective on January 26, 1973.

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

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, CO 80215. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1973, through October 1, 1973. Daylight hours only.

(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through October 1, 1973.

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo.

JANUARY 15, 1973.

[FR Doc.73–1551 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The Bureau of Sport Fisheries and Wildlife announces fishing regulations for Hagerman National Wildlife Refuge, Tex., effective January 26, 1973.

The following special regulation is issued and is effective on January 26, 1973.

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

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, including frog gigging on the Hagerman National Wildlife Refuge, Sherman, Tex., is permitted from April 1 through September 30, 1973, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, 6 miles west of Pottsboro, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

BERT M. ANDUSS,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Texas.

JANUARY 19, 1973.

[FR Doc.73–1552 Filed 1–24–73;8:45 am]

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Missouri

The Bureau of Sport Fisheries and Wildlife announces that Mingo National Wildlife Refuge will be open to public fishing from January 1, 1973 through December 31, 1973. Sport fishing will be in accordance with all applicable State regulations.

The following special regulation is issued and is effective on January 26, 1973.

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

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted in all waters as designated on the refuge during daylight hours only. The waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, 601 East 12th, Kansas City, MO 64106. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: January 1, 1973 through March 14, 1973, in certain designated waters.

(2) Open season: March 15, through September 30 in all waters.

(3) Open season: October 1 through December 31 in certain designated waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

DECEMBER 29, 1972.

[FR Doc.73–1514 Filed 1–24–73;8:45 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for major categories of inspections. The current fees for small lots (such as for export to Canada or delivery to institutions), the base fee for peanuts, pecans, or other nuts, and the additional hourly charge for inspections made outside of the inspector's regularly scheduled workweek will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $19 to $20 when more than a half-carlot equivalent is involved, from $16 to $17 for a half-carlot equivalent or less, and the maximum-fee-per-carlot equivalent, when more than one kind of product is involved, is raised from $38 to $40.

2. For condition only inspections: Fees are raised from $16 to $17 when more than a half-carlot equivalent is involved, from $14 to $15 for a half-carlot equivalent or less, and the maximum-fee-per-carlot equivalent, when more than one kind of product is involved, is raised from $32 to $34.

3. The hourly rate, where applicable, is increased from $9 to $10.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 *Basis for Charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $20 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $17 for each half-carlot equivalent or less of an individual product.

(iii) $40 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $17 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $15 for each half-carlot equivalent or less of an individual product.

(iii) $34 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans, or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmers' stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $10 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $4 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, United States Code, section 6103(a).

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than February 4, 1973 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated: January 22, 1973, to become effective at 12:01 a.m., February 4, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-1582 Filed 1-24-73;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1973–74 Marketing Year

STATE RESERVE ACREAGE, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1973 CROP RICE

The purpose of §§ 730.1504 and 730.1505 is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States.

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1973 crop of rice. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 FR 14520, 17764, 34 FR 3733, 5629, 35 FR 5995, 11454, 36 FR 1465, 3253, 11849, 37 FR 27615) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

---

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens, flowers and flower bulbs, and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 6, 1972 (37 FR 21173) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 22 to 26, 1973, it is essential that §§ 730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established in accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	8	0
Arkansas	0	
California	0	50
Florida	35	41
Illinois	0	
Louisiana:		
Farm administrative area	0	
Producer administrative area	0	0
Mississippi	0	
Missouri	0	
North Carolina	0	
Oklahoma	0	
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1973 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1973 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments and reserve acreage will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreages allotments and upland cotton farm acreage allotments under section 344 a(h) of the act. Such State productivity pool shall not be allocated to producers, counties and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 21 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c)(1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1973 crop of rice.

ARKANSAS

County	County acreage allotment	County reserve acreages [1]
Arkansas	84,974	0
Ashley	7,402	0
Chicot	10,973	0
Clark	620	0
Clay	8,853	0
Conway	12	0
Craighead	19,371	0
Crittenden	7,575	0
Cross	39,794	0
Dallas	79	0
Desha	15,562	0
Drew	4,983	0
Faulkner	513	0
Grant	38	28
Greene	5,984	0
Hot Spring	529	0
Independence	974	0
Jackson	22,941	3
Jefferson	19,645	0
Lafayette	980	0
Lawrence	9,262	0
Lee	9,300	0
Lincoln	9,972	0
Little River	456	0
Lonoke	43,626	5
Miller	838	0
Mississippi	1,653	0
Monroe	16,330	0
Perry	1,111	0
Phillips	5,708	0
Poinsett	43,108	0
Prairie	44,517	0
Pulaski	2,712	0
Randolph	2,596	0
St. Francis	20,658	0
White	1,323	0
Woodruff	22,440	0
Productivity Pool	253	
State total	487,664	46

ILLINOIS

Adams	24	0
State Total	24	0

LOUISIANA, FARM ADMINISTRATIVE AREA

County	County acreage allotment	County reserve acreages [1]
Acadia	103,399	50.0
Allen	27,714	10.0
Avoyelles	3,007	153.3
Beauregard	5,158	0
Bossier	73	0
Calcasieu	74,580	0
Cameron	13,905	0
Evangeline	49,987	5.0
Grant	0	0
Iberia	6,504	2.0
Jefferson Davis	107,585	25.0
Lafayette	11,238	25.0
Rapides	843	0
St. Landry	19,468	5.0
St. Martin	4,403	0
St. Mary	4,388	219.4
Vermilion	127,346	50.0
Productivity Pool	47	
State reserve	21	
State Total, Farm Administrative Area	559,816	544.7

MISSISSIPPI

Bolivar	24,013	0
Coachoma	2,561	0
De Soto	1,420	0
Hancock	204	0
Humphreys	2,349	0
Issaquena	119	0
Leflore	4,137	0
Panola	88	0
Quitman	868	0
Sharkey	1,171	0
Sunflower	5,026	0
Tallahatchie	567	0
Tate	133	0
Tunica	3,801	0
Washington	10,568	0
Productivity Pool	19	
State total	57,044	0

MISSOURI

Butler	2,003	0
Holt	2	0
Lewis	10	0
Lincoln	41	0
Marion	376	0
Mississippi	107	0
New Madrid	136	0
Pemiscot	725	0
Ripley	475	0
St. Charles	44	0
Scott	136	0
Stoddard	1,760	0
State total	5,815	0

NORTH CAROLINA

Brunswick	11	0
Hyde	36	0
State total	47	0

OKLAHOMA

McCurtain	183	0
State total	183	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register (1-23-73).

Signed at Washington, D.C. on: January 18, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-1427 Filed 1-19-73;8:45 am]

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

[Navel Orange Reg. 285]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period January 26–February 1, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of navel oranges so fixed was arrived at after consideration of the total available supply of navel oranges, the quantity currently available for market, the fresh market demand for navel oranges, navel orange prices, and the relationship of season average returns to the parity price for navel oranges.

§ 907.585 Navel Orange Regulation 285.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange 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 navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for navel oranges good last week, with a significant increase in reported sales volume. Prices f.o.b. averaged $3.53 a carton on sales volume of 968 cars, compared with an average f.o.b. price of $3.52 per carton and a sales volume of 810 cars a week earlier. Track and rolling supplies at 390 cars were down 22 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of navel oranges 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 rule making 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 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 navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; 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 January 23, 1973.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period January 26, 1973, through February 1, 1973, are hereby fixed as follows:

(i) District 1: 891,000 cartons;

(ii) District 2: 209,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 24, 1973.

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

[FR Doc.73-1680 Filed 1-24-73;11:40 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-504]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined and Released

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

The amendment excludes a portion of Northampton County in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement to swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

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

In § 76.2, in paragraph (e) (6) relating to the State of North Carolina, subdivision (ii) relating to Northampton and Hertford Counties is amended to read:

(e) * * *

(6) *North Carolina.* * * *

(ii) The adjacent portions of Northampton, Hertford, and Gates Counties bounded by a line beginning at the junction of the North Carolina-Virginia State line and State Highway 35 in Northampton County; thence following State Highway 35 in a southeasterly direction to Secondary Road 1351; thence, following Secondary Road 1351 in a

southeasterly direction to the Northampton-Hertford County line; thence, following the Northampton-Hertford County line in a northeasterly, then southeasterly direction to the east bank of the Meherrin River in Hertford County; thence, following the east bank of the Meherrin River in a generally southerly, then southeasterly direction to the west bank of the Chowan River; thence, crossing the Chowan River in an easterly direction to the east bank of the Chowan River in Gates County; thence, following the east bank of the Chowan River in a generally southeasterly direction to the west bank of the Bennetts Creek; thence, following the west bank of the Bennetts Creek in a generally northwesterly direction to State Highway 37; thence, following State Highway 37 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with State Highway 35 in Northampton County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 19, 1973.

Insofar as the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. Insofar as the amendment relieves restrictions presently imposed, it is no longer deemed necessary to prevent the spread of hog cholera, and it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 19th day of January 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–1579 Filed 1–24–73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

The purpose of this amendment is to establish commuted travel time periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1973 ed.), as amended February 1, 1972 (37 FR 2430), February 16, 1972 (37 FR 3410), March 1, 1972 (37 FR 4246), May 10, 1972 (37 FR 9384), July 7, 1972 (37 FR 13335) and August 16, 1972 (37 FR 16534), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Lake Mills, Wisconsin (served from Madison, Wis.)

FOUR HOURS

Add: Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wis.)

SIX HOURS

Add: Sheboygan Falls, Wisconsin (served from Madison, Wis.)

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective on January 26, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of January 1973.

E. E. SAULMAN,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73–1580 Filed 1–24–73;8:45 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Bank Acquisitions by Holding Companies

In order to delegate to Reserve Banks the authority to approve the acquisition of additional shares in a bank, whether or not the bank is a subsidiary, which shares are acquired through the exercise of rights received as a shareholder, the Board has amended § 265.2(f)(23) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under subparagraph (25) of this paragraph, as to its officers:

* * * * *

(23) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition by a bank holding company of additional shares in a bank that are to be acquired through exercise of rights received, on a pro rata basis, by the bank's shareholders.

* * * * *

Effective date. This amendment is effective with respect to applications received by the Reserve Banks after the date of this Order.

By order of the Board of Governors, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73–1500 Filed 1–24–73;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Approval of Membership Applications

In order to delegate to the Federal Reserve Banks authority to approve applications for membership in the System, § 265.2(f) is amended by adding subparagraph (26) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under subparagraph (25) of this paragraph, as to its officers:

* * * * *

(26) Under the provisions of the first paragraph of section 9 of the Federal

Reserve Act (12 U.S.C. 325 to approve applications for membership in the Federal Reserve System if the Reserve Bank is satisfied with respect to each of the following criteria:

(i) The financial history and condition of the applying bank and the general character of its management;

(ii) The adequacy of its capital structure in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities; and its future earnings prospects;

(iii) The convenience and needs of the community to be served by the bank; and

(iv) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act and the Federal Deposit Insurance Act.

* * * * *

Effective date. This amendment is effective with respect to applications received by the Reserve Banks after the date of this Order.

By order of the Board of Governors, January 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1501 Filed 1-24-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-RM-15]

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

Extension of VOR Federal Airway

On November 1, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 23279) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 134 from Grand Junction, Colo., to Denver, Colo., including a south alternate.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. March 29, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) the description of VOR Federal Airway No. 134 is amended to read as follows:

From Fairfield, Utah, via Price, Utah; Grand Junction, Colo.; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 123 miles 12 AGL to Denver, Colo.; including a south alternate from INT Kremmling, Colo., 135° and Denver 257° radials via INT Kremmling 135° and Denver 232° radials to Denver.

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

Issued in Washington, D.C., on January 18, 1973.

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

[FR Doc.73-1530 Filed 1-24-73;8:45 am]

[Docket No. 12504, Amdt. 848]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective March 8, 1973.

Elyria, Ohio—Elyria Airport, VOR-A, Amendment 2.

Monroeville, Ala.—Monroe County Airport, VOR Runway 3, Amendment 3.

Monroeville, Ala.—Monroe County Airport, VOR Runway 21, Amendment 3.

Santa Ynez, Calif.—Santa Ynez Airport, VOR-1, Amendment 1, Canceled.

Santa Ynez, Calif.—Santa Ynez Airport, VOR-A, Original.

* * * effective January 17, 1973.

Cincinnati, Ohio—Cincinnati Muni Blue Ash Field, VOR/DME-A, Amendment 1.

* * * effective January 15, 1973.

Kingman, Ariz.—Kingman Municipal Airport, VOR Runway 21, Amendment 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective March 8, 1973.

Tacoma, Wash.—Tacoma Industrial Airport, LOC Runway 17, Amendment 1.

Tucson, Ariz.—Tucson International Airport, LOC Runway 11L, Amendment 3.

Tucson, Ariz.—Tucson International Airport, LOC (BC) Runway 29R, Amendment 3.

* * * effective February 1, 1973.

Oklahoma City, Okla.—Will Rogers World Airport, LOC (BC) Runway 35L, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective March 8, 1973.

Bremerton, Wash.—Kitsap County Airport, NDB Runway 1, Amendment 7.

Tacoma, Wash.—Tacoma Industrial Airport, NDB Runway 17, Amendment 1.

Tacoma, Wash.—Tacoma Industrial Airport, NDB Runway 35, Amendment 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective March 8, 1973.

White Plains, N.Y.—Westchester County Airport, ILS Runway 16, Amendment 18.

* * * effective February 1, 1973.

Oklahoma City, Okla.—Will Rogers World Airport, ILS Runway 17R, Original.

* * * effective January 15, 1973.

Houston, Tex.—Intercontinental Airport, ILS Runway 14, Amendment 1.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs effective March 8, 1973.

Denver, Colo.—Jeffco Airport, Radar-1, Amendment 2

Tacoma, Wash.—Tacoma Industrial Airport, Radar-1, Amendment 2

Tucson, Ariz.—Tucson International Airport, Radar-1, Amendment 8

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs effective March 8, 1973.

Bremerton, Wash.—Kitsap County Airport, RNAV Runway 1, Amendment 1.

Denver, Colo.—Jeffco Airport, RNAV Runway 29R, Original.

Massena, N.Y.—Richards Field, RNAV Runway 5, Amendment 2.

Massena, N.Y.—Richards Field, RNAV Runway 23, Amendment 2.

Miami, Fla.—Miami International Airport, RNAV Runway 9L, Amendment 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-1531 Filed 1-24-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2333]

PART 13—PROHIBITED TRADE PRACTICES

The Credit Bureau of Columbus, Inc., et al.

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 *collecting, assembling, furnishing or utilizing consumer reports:* 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382-1(a) Fair Credit Reporting Act: 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.) [Cease and desist order, The Credit Bureau of Columbus, Inc., et al., Columbus, Ohio, Docket No. C-2333, Dec. 15, 1972]

In the Matter of The Credit Bureau of Columbus, Inc., The Credit Bureau of Mansfield, Inc., The Credit Bureau of Marion, Inc., The Credit Bureau of Newark, Inc., The Credit Bureau of South Bend, Inc., Corporations, and William B. Price and William H. Price, Individually and as Officers and/or Managers of Said Corporations, or Any of Them

Consent order requiring five affiliated Midwestern credit bureaus located in Ohio and Indiana, among other things to cease violating the Fair Credit Reporting Act by failing to require users of consumer reports to identify themselves and certify in writing the purpose for which the information is sought and not used for any other purpose; failing to incorporate into contracts that information will be requested only for the prospective user's exclusive use in connection with the extension of credit, employment, insurance, governmental use, or other legitimate business transaction involving the consumer; failing to forbid employees from obtaining reports on themselves or associates; and failing to cease doing business with any user of reports who does not follow the procedures specified by the order.

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

It is ordered, That respondents The Credit Bureau of Columbus, Inc., The Credit Bureau of Mansfield, Inc., The Credit Bureau of Marion, Inc., The Credit Burea uof Newark, Inc., and The Credit Bureau of South Bend, Inc., corporations, their respective successors and assigns, and their officers, and William B. Price and William H. Price, individually and as officers and/or directors and/or managers of said corporations, or any of them, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collecting assembling or furnishing of consumer reports, as "consumer report" is defined in § 603(d) of the Fair Credit Reporting Act (Public Law No. 91-508, 15 U.S.C §§ 1601 et seq.), shall forthwith cease and desist from:

1. Failing to require all prospective users of consumer reports to identify themselves and to certify, in writing, through a contract or written certification form with the respondents, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with § 607 of the Fair Credit Reporting Act.

2. Failing to incorporate the following statements on the face of all contracts or written certification forms between the respondents and the prospective users of consumer reports, with such conspicuousness and clarity as is likely to be read and understood by the prospective users of consumer reports:

ATTENTION

"User will comply with all the provisions of The Fair Credit Reporting Act Public Law No. 91-508

1. Information will be requested only for the User's exclusive use, and the User certifies that inquiries will be made only for one or more of the following permissible purposes and no other:

a. In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of the consumer; or

b. In connection with employment purposes; or

c. In connection with the underwriting of insurance involving the consumer; or

d. In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

e. In connection with a legitimate business need for the information in connection with a business transaction involving the consumer.

2. Reports on employees will be requested only by the User's designated representatives. Employees wil be forbidden to attempt to obtain reports on themselves, associates, or any other person except in the exercise of their official duties.

3. It is understood by the User that Pub. L. No. 91-508, § 619, states "Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both."

3. Failing to require prospective users of consumer reports, who are not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance including, but not limited to, those who operate, either in whole or in part, as Federal, State, or local governmental subdivisions or agencies except those covered by paragraph 4 of this order, private legal counsel or attorneys, and private detectives or investigators, to identify themselves and to certify in writing, either at the time the prospective users seek each consumer report or within ten (10) business days after an oral certification of a request for each consumer report, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

4. Failing to require prospective users of consumer reports, who are not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance, but who regularly use consumer reports for "employment purposes," as defined in section 603(h) of the Fair Credit Reporting Act, to identify themselves and to certify in writing, through a contract or written certification form with the respondents, that the only purpose for which information is sought is for employment and that the information will be used for no other purpose, unless the prospective users identify themselves and certify, in writing, each time the prospective users seek a consumer report, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

5. Failing to inform all prospective users of consumer reports, in writing, at the time of entering into a contract or executing a written certification form with the respondents, of their responsibilities as users of consumer reports, including the provisions of paragraphs 3 and 4 of this order.

6. Failing to cease doing business with any user or prospective user of consumer reports who does not follow any of the oral or written procedures as specified by this order, or who the respondents know, or have reason to believe, is violating any provisions of the Fair Credit Reporting Act.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the assembling or evaluating of information on consumers for the purpose of furnishing to third parties consumer reports and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or em-

ployment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities.

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

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

Issued: December 15, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-1510 Filed 1-24-73;8:45 am]

[Docket No. C-2334]

PART 13—PROHIBITED TRADE PRACTICES

Mica, Inc. and Willis Holt

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mica, Inc., et al., Chatsworth, Ga., Docket No. C-2334, Dec. 29, 1972]

In the Matter of Mica, Inc., a Corporation, and Willis Holt, Individually and as an Officer of Said Corporation

Consent order requiring a Chatsworth, Ga., manufacturer and seller of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

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

It is ordered, That respondent Mica, Inc., a corporation, its successors and assigns, and its officers, and respondent Willis Holt, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April 4, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such actions. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: December 29, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-1511 Filed 1-24-73;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 19—REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

Information Required for Cotton and Cotton Products, and for Potatoes and Potato Products

On October 19, 1972, notice was published in the FEDERAL REGISTER (37 FR 22390) of the proposed amendments of sections 19.02, 19.03(a), and 19.04(a) of part 19 of the regulations under the Commodity Exchange Act, as amended (17 CFR 19.02, 19.03(a), and 19.04(a)). The purpose in amending § 19.02 is to eliminate certain previously required information concerning positions in spot cotton and cotton products and to show the information now required for regulatory purposes. The purpose in amending § 19.03(a) is to reflect changes in the required information concerning cash positions in eggs and egg products, based on present marketing practices for eggs. The purpose in amending § 19.04(a) is to make minor clarifying changes in the required information concerning cash positions in potatoes and potato products.

Interested persons were given 30 days in which to submit written data, views, or arguments on the proposed amendments. No such written submittals were received on the proposed amendments of §§ 19.02 and 19.04(a). Accordingly, pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, the amendments of §§ 19.02 and 19.04(a) as so proposed are hereby adopted without change and are set forth below.

Two statements were filed, however, concerning the proposed amendment of § 19.03(a), relating to cash positions in eggs and egg products. After careful con-

sideration of the comments received, it is desirable to revise the notice of proposed amendment with respect to § 19.03(a). Such notice will appear in a subsequent issue of the FEDERAL REGISTER.

Effective date. The amendments of §§ 19.02 and 19.04(a) shall become effective on February 26, 1973.

(Sec. 8a as added and amended, 49 Stat. 1500; 82 Stat. 32, 33; 7 U.S.C. 12a)

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

Issued January 18, 1973.

RICHARD E. LYNG,
Assistant Secretary.

§ 19.02 Merchants, processors, and dealers in cotton and cotton products.

(a) *Details of cotton position.* Merchants, processors, and dealers in cotton and cotton products or byproducts shall include the following information in each report:

(1) The quantity of open fixed-price spot positions (long and short) in cotton and cotton products, including open fixed-price purchase commitments of raw cotton, stocks of raw cotton on hand (owned and at fixed prices), cotton in process of manufacture, and finished products; and unfilled fixed-price sale commitments of raw cotton and of finished products;

(2) The quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future; and

(3) The quantity of certificated cotton owned.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer, in computing his spot position, shall use such standards and conversion factors with respect to cotton products or byproducts as are usual in the cotton trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or byproducts in determining his spot position for hedging (as defined in section 4a of the Act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the kind and quantity of each product or byproduct so excluded.

§ 19.04 Merchants, processors, and dealers in potatoes and potato products.

(a) *Details of cash (spot) potato position.* Merchants, processors, and dealers in potatoes and potato products shall show in each report the amount of:

(1) Potatoes being raised or expected to be raised by such persons in the ensuing 12 months, including the potato acreage in each State;

(2) Stocks of potatoes owned;

(3) Open fixed-price purchase commitments of potatoes;

(4) Unfilled fixed-price sales commitments of potatoes; and

(5) Stocks of potato products owned or potatoes in process of manufacture, open fixed-price purchase commitments, and unfilled fixed-price sales commitments of potato products, identified as to kind of product.

[FR Doc.73-1535 Filed 1-24-73;8:45 am]

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5354, 34-9944, AS-138]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 239—FORMS, SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Disclosure of Unusual Charges and Credits to Income

The Securities and Exchange Commission today adopted amendments to its registration and reporting forms to require more detailed and timely reporting, and timely review by independent accountants of extraordinary or material unusual charges and credits to income or material provisions for losses effected by registrants. Proposals to amend these forms, as well as forms 7-Q (17 CFR 249.307a) and 10-Q (17 CFR 249.308a), for these purposes were published for comment in Securities Act Release No. 5313 (Securities Exchange Act Release No. 9801) [37 FR 21445] on October 2, 1972. Form 8-K (17 CFR 249.308) is the form for reporting certain specified material events and transactions pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934 (Exchange Act); Forms 10-K (17 CFR 249.310) and 12-K (17 CFR 249.312) are the forms for annual reports pursuant to those sections of the Exchange Act; Forms S-1 (17 CFR 239.11), S-7 (17 CFR 239.26), S-8 (17 CFR 239.16b), S-9 (17 CFR 239.22), and S-11 (17 CFR 239.18) are forms for registration of securities pursuant to the Securities Act of 1933; and forms 10 (17 CFR 249.210) and 12 (17 CFR 249.212) are forms for registration of securities pursuant to the Exchange Act.

The Commission noted when it proposed amendments to these forms that it had observed an increasing number of large charges to income which often appeared without warning and were not generally understood by investors. The Commission is concerned that this trend seems to have accelerated in recent months. While many of such charges result from an identifiable event, many also appear to be made on the basis of a discretionary decision to dispose of marginal facilities or operations or to write off deferred development or excess production costs. In the latter situations, where facilities or operations gradually deteriorate or the outlook for a contract or program gradually worsens to the point where a writeoff is deemed necessary, registrants have an obligation to forewarn public investors of the deteriorating conditions which unless reversed may result in a subsequent writeoff. This includes an obligation to provide information regarding the magnitude of exposure to loss.

The Commission, therefore, reiterates its view that registrants should make special efforts to recognize incipient problems that might lead to such charges and to identify them clearly at the earliest possible time in financial statements and other forms of public disclosure, including public reports filed with the Commission, so that public investors may recognize the risks involved. In this connection, registrants should consider disclosure of the investment involved in divisions operating at a loss; the undepreciated cost of plant and equipment currently considered to be obsolete or of marginal utility; the extent of deferred research and development costs incurred in connection with products whose success is not reasonably assured; and other similar items where significant uncertainties exist as to realization.

The Commission has previously urged more comprehensive disclosure of progress and problems encountered in defense and other long-term contracts which may also give rise to major charges against income (Securities Act Release No. 5263 dated June 22, 1972) (37 FR 21464) and has urged greater diligence in the release of quarterly and other interim reports of operations (Securities Exchange Act Release No. 9559 dated April 5, 1972) (37 FR 21465).

In addition to disclosure of incipient problems, the Commission believes that substantial additional disclosure in regard to extraordinary items and material unusual charges and credits to income or major provisions for loss is necessary to enable public investors to assess the impact of such items. This would include transactions that are classified as extraordinary items under generally accepted accounting principles and other unusual or nonrecurring material transactions or provisions for loss, such as (but not restricted to) material write downs of inventories, receivables, or deferred research and development costs, provisions for loss on major long-term contracts or purchase commitments, and losses on disposition of assets or business segments. The release of October 2 (33-5313 and 34-9801) contained proposals for such disclosure. The comments received on these proposals have been given careful consideration in determining the amendments to adopt.

The Commission has determined not to adopt the proposed amendment calling for pro forma statements to reflect allocation of charges and credits to prior years since, on the basis of comments received, it concluded that the proposed pro forma disclosure might leave the improper implication that past historical statements were in error as well as imposing substantial clerical burdens on registrants. The amendments adopted

herein call for disclosure of the years in which the costs being included in the charge were or are expected to be incurred and the amount of cost in each year by major category of cost.

The Commission has further determined not to adopt the proposed amendments to Forms 7–Q and 10–Q and other related amendments which would have required an estimate of losses by quarters and a subsequent quarterly reconciliation of reserves provided. Comments indicated that quarterly estimates and reconciliations would be difficult to make within acceptable limits of accuracy, would not supply significant data for investors, and would impose a clerical burden on registrants. The amendments adopted herein require an estimate of losses by year and a subsequent annual explanation of differences between estimated and actual amounts and a reconciliation of any reserve provided.

In addition, the Commission has determined to omit the definition of "material" contained in the proposed note to item 10(a) of Form 8–K. Comments indicated that a definition which relates materiality to a criterion based on separate reporting of an item to stockholders might have the effect of discouraging such disclosure rather than improving the quality thereof. Materiality, therefore, must be considered within the context of the definition contained in Rule 1–02 of Regulation S–X (17 CFR 210.1–02).

Commission action. The Commission has amended certain items and instructions of various sections of Parts 239 and 249 of Chapter II of Title 17 of the Code of Federal Regulations, and as so amended they read as follows:

A. *Form 8–K* (17 CFR 249.308).

I. The caption of item 10 and paragraph (a) have been amended as follows:

ITEM 10—EXTRAORDINARY ITEM CHARGES AND CREDITS, OTHER MATERIAL CHARGES AND CREDITS TO INCOME OF AN UNUSUAL NATURE, MATERIAL PROVISIONS FOR LOSS, AND RESTATEMENTS OF CAPITAL SHARE ACCOUNT

(a) If there have been any extraordinary item charges or credits, any other material charges or credits to income of an unusual nature, or any material provisions for loss, the following shall be furnished for each such charge, credit, or provision:

(1) The date of the registrant's determination to make the charge, credit, or provision;

(2) A statement of the reasons for making the charge, credit, or provision;

(3) An analysis of the components (in dollar amounts) of the charge, credit, or provision, which includes

(i) A description of the various types of items written down or off;

(ii) A description of any provision for losses on liquidation of assets or for other losses including a detailed schedule showing the components of any losses provided for, which schedule shows the amount of administrative and fixed costs, if any, allocated to the loss;

(iii) A description of any estimated recoveries or costs netted against the charge or credit;

(4) A statement setting forth the years in which costs being reflected in the charge (or net credit) being described were or are expected to be incurred and the amount of cost for each year by major category (e.g., fixed assets, research and development costs, operating losses);

(5) A statement setting forth the estimated amount of net cash outlays (or in-flows) associated with the charge (or credit) in the year the charge (or credit) is made and in each subsequent year in which such estimate of the cash amount differs from the amount of total costs stated in part (4) for that year;

(6) A description of the accounting principles or practices followed and any changes therein or in the methods of applying such principles or practices which was made in connection with the transaction; and

(7) A report from the registrant's independent accountants in which they state that they have read the description in the Form 8–K of the facts set forth therein and of the accounting principles applied and whether they believe that on the basis of the facts so set forth that such accounting principles are fairly applied in conformity with generally accepted accounting principles or, if not, the respects in which they believe the principles do not conform to generally accepted accounting principles.

II. The following new instruction 8 has been added under *Exhibits* of Form 8–K.

8. Reports from the independent accountants furnished pursuant to Item 10.

B. *Form 10–K* (17 CFR 249.310).

A new instruction (6) has been added to the instructions to item 2, Summary of Operations, as follows:

(6) For any event subsequent to January 31, 1973, which was required to be reported pursuant to item 10(a) of Form 8–K in which an amount of cost was estimated to be incurred in the fiscal year being reported on or the prior fiscal year, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

C. *Form 12–K* (17 CFR 249.312).

A new instruction 6 has been added to the instructions as to exhibits, as follows:

6. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be incurred in the fiscal year being reported on or the prior fiscal year, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

D. *Form S–1* [17 CFR 239.11]

A new instruction 7 has been added to Item 6, Summary of Earnings, as follows:

7. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10 (a) of Form 8–K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

E. *Form S–7* [17 CFR 239.26]

Instruction 8 of Item 6, State of Income, has been changed to number 9 and a new instruction 8 has been added, as follows:

8. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

F. *Form S–8* [17 CFR 239.16b]

Instruction 4 of Item 19, Summary of Earnings, has been changed to number 5 and a new instruction 4 has been added, as follows:

4. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

G. *Form S–9* [17 CFR 239.22]

Instruction 6 to part (a) of Item 3, Statements of Income, has been changed to number 7 and a new instruction 6 has been added, as follows:

6. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarized such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

H. *Form S–11* [17 CFR 239.18]

A new instruction 7 has been added to part (a) of Item 6, *Summary Financial Data*, as follows:

7. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8–K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31,

1973, which would have been required to be reported pursuant to Item 10(a) of Form 8-K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

I. *Form 10* [17 CFR 249.210]

A new instruction 5 has been added to Item 2, Summary of Operations, as follows:

5. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10(a) of Form 8-K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

J. *Form 12* [17 CFR 249.212]

A new instruction 9 has been added to the *Instructions as to Exhibits*, as follows:

9. For any event subsequent to January 31, 1973, which was required to be reported pursuant to Item 10(a) of Form 8-K in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the issuer was not a registrant prior to the filing of this registration statement, this instruction shall apply to any transaction subsequent to January 31, 1973, which would have been required to be reported pursuant to Item 10(a) of Form 8-K had the issuer been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

The foregoing amendments are adopted pursuant to sections 6, 7, 8, 10, and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, and 77s) of the Securities Act of 1933 and sections 13, 15(d), and 23(a) (15 U.S.C. 78m, 78o, and 78w) of the Securities Exchange Act of 1934. The amendments shall be effective with respect to reports on Form 8-K and registration statements on Forms S-1, S-7, S-8, S-9, S-11, 10, and 12, and with respect to annual reports on Forms 10-K and 12-K filed on or after February 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 12, 1973.

[FR Doc.73-1516 Filed 1-24-73;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 73-27]

PERSONAL DECLARATIONS AND EXEMPTIONS

Declaration and Entry of Articles

On August 10, 1972, a notice of proposed rule making pertaining to a revision of the customs regulations relating to personal declarations and exemptions (19 CFR 10.11-10.28, and 10.42), was published in the FEDERAL REGISTER (37 FR 16092). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No comments were received.

Previously, on August 5, 1972, a notice of proposed rule making to amend Part 10 of the customs regulations regarding the privileges accorded personnel of foreign governments and international organizations in accordance with existing law and treaties, and set forth the authority to search their baggage (19 CFR 10.29-10.30b), was published in the FEDERAL REGISTER (37 FR 15872). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. No comments were received.

The proposed amendments published August 5, 1972, relating to personnel of foreign governments and international organizations are being adopted as subpart I of Part 148, in order to treat matters relating to personal declarations and exemptions in one part of the Customs regulations. Changes in numbering and cross references, together with other conforming changes, have been made.

The following changes are made in the amendments as proposed:

1. Sections 148.2(d) and 148.8 are added to incorporate the ruling in T.D. 72-92 (37 FR 6769), permitting a person arriving in the United States who would otherwise be considered a returning resident to claim at his option the status of nonresident if he intends to remain in the United States for only a short period of time before returning abroad..

2. Reference to Part 23 is changed to show that the entire part is deleted, rather than §§ 23.4 and 23.5. Treasury Decision 72-211 (37 FR 16486) deleted all of Part 23, except for §§ 23.4 and 23.5.

Accordingly, new Part 148, and conforming changes in Parts 4, 6, 8, 9, 10, 11, 23, and 123 of the Customs Regulations, Chapter I, Title 19 of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date. This amendment shall become effective February 22, 1973.

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

Approved: January 15, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

§ 4.2 [Amended]

In § 4.2, paragraph (c) is amended by substituting "Subpart B of Part 148" for "section 10.19."

§ 4.5 [Amended]

In § 4.5, the second sentence of paragraph (a) is amended by substituting "§ 148.72" for "§ 10.24."

§ 4.7a [Amended]

Section 4.7a is amended as follows:

In paragraph (b), subparagraph (3) is amended and a new subparagraph (4) is added as follows:

(3) For requirements concerning the preparation of Customs Forms 5123 and 5129, see Subpart G of Part 148 of this chapter.

(4) Any articles which are required to be manifested and are not manifested shall be subject to forfeiture and the master shall be subjected to a penalty equal to the value thereof, as provided in section 584, Tariff Act of 1930, as amended.

In paragraph (e), subparagraph (1) is amended to substitute "devolving" for "developing" in the text of the certification, and to add a new subparagraph (4) as follows:

(e) *Passenger List*—(1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR Part 231), and the following certification shall be placed on its last page:

I certify that Customs baggage declaration requirements have been made known to incoming passengers; that any required Customs baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the proper Customs officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper Customs officer. I further certify that there are no steerage passengers on board this vessel (46 U.S.C. 151-163).

Master

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption "Unaccompanied baggage."

§ 4.30 [Amended]

In § 4.30, paragraph (a) is amended to include provision for vessels transiting the Panama Canal, as follows:

(a) Except as prescribed in paragraph (f), (g), or (k) of this section or in § 123.8 of this chapter and except in the case of a vessel exempt from entry or clearance under 19 U.S.C. 288 [58] no passengers,[59] cargo,[57] baggage,[57] or other article [55] shall be unladen from a vessel which arrives directly or indirectly from any port or place outside the Customs territory of the United States or from a vessel which transits the Panama Canal and no cargo, baggage, or other article shall be laden [56] on a vessel destined to a port or

place outside the Customs territory of the United States if Customs supervision of such lading is required,[6] until the district director shall have issued a permit or special license therefor on Customs Form 3171.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 6—AIR COMMERCE REGULATIONS

§ 6.7 [Amended]

Section 6.7 is amended by deleting paragraph (g).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.2 [Amended]

Section 8.2 is amended to correct the cross-references in the list of articles not liable to duty on subsequent importation as follows:

In (a) substitute "§ 148.31" for "§ 10.17 (a)" in the parenthetical matter.

In (b) substitute "§ 148.53" for "§ 10.15" in the parenthetical matter.

In (c) substitute "§ 148.32" for "§ 10.42" in the parenthetical matter.

§ 8.3 [Amended]

In § 8.3, paragraph (b) is amended by substituting "§ 148.51" for "§ 10.21(i)" in the parenthetical matter at the end thereof.

§ 8.15 [Amended]

In § 8.15, paragraph (c)(6) is amended to read:

(6) Aircraft, automobiles, and other vehicles, boats, horses, and the usual equipment of any of the foregoing, if taken abroad for noncommercial use and returned in accordance with the provisions of § 148.32 of this chapter.

Section 8.51a is amended to correct the cross-references and forms prescribed to read as follows:

§ 8.51a Entry of certain shipments of unconditionally or conditionally free merchandise.

A shipment not exceeding $250 in value which is (a) unconditionally free of duty and not subject to any quota or internal revenue tax, or (b) conditionally free and all conditions for free entry are met at the time of entry, may be released upon examination and identification by a Customs officer and the filing by the importer of Customs Form 7523, in duplicate, supported by evidence of the right to make entry: *Provided*, That this procedure shall not be followed in the case of American goods returned for the entry of which Customs Form 3311 has been prescribed by § 10.1, or effects and tools of trade released under Customs Form 3299 without other entry in accordance with § 148.6 of this chapter.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498; R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

§ 9.4 [Amended]

Section 9.4 is amended by substituting "section 148.6" for "§ 10.20" in the first sentence.

§ 9.11 [Amended]

In § 9.11, paragraph (a) is amended by deleting the last sentence thereof and substituting the following:

See §§ 8.45 and 22.27 of this chapter; and as to articles released from continuous Government custody for which return to Customs custody is appropriate prior to exportation, see §§ 10.8, 10.38, 22.33, and 148.37 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§§ 10.11–10.28; 10.42 [Deleted]

Part 10 is amended by deleting therefrom § 10.11 through § 10.30b together with the accompanying centerheads, § 10.42, and footnotes 9 through 33c appended thereto.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING

The heading of Part 11 is amended as set forth above, and § 11.3 is amended to read as follows:

§ 11.3 Package and notice requirements for cigars and cigarettes; package requirements for cigarette papers and tubes.

Exemptions from tax on cigars, cigarettes, and cigarette papers and tubes apply in accordance with the regulations of the Bureau of Alcohol, Tobacco, and Firearms (26 CFR Part 275) upon release from Customs custody of such articles imported by consular officers and employees of foreign states. Cigars, cigarettes, cigarette papers, and tubes may also be released without payment of tax as provided in § 11.2a and for exhibition in accordance with Part 147 of this chapter. Additionally, cigars, cigarettes, or cigarette papers and tubes may be admitted free of duty and tax under the provisions of schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), or section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321), §§ 10.30c, 54.3, 148.63, 148.74, and subpart I of Part 148 of this chapter. Except in the foregoing instances and in any instance in which such articles are imported in passengers' baggage or are to be released under a mail entry for the personal consumption of the importer or for disposition as his bona fide gift, the provisions in Part 275 of the regulations of the Bureau of Alcohol, Tobacco, and Firearms (26 CFR Part 275) as to packages and notices thereon apply.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—[DELETED]

Chapter I of Title 19 of the Code of Federal Regulations, is amended by deleting Part 23, Enforcement of Customs and Navigation Laws.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.52 [Amended]

In § 123.52, paragraph (a) is amended by substituting "§148.41" for "§ 10.18(d)" in the last sentence.

§ 123.62 [Amended]

Section 123.62 is amended by substituting "§ 123.3" for "§ 5.3" in the parenthetical matter at the end of the section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Chapter I of Title 19, Code of Federal Regulations, is amended by adding a new Part 148 to read as follows:

Sec.

148.0 Scope.

Subpart A—General Provisions

148.1 Registration of valuable effects to be taken abroad.
148.2 Residence status of arriving persons.
148.3 Customs treatment after transiting the Panama Canal.
148.4 Accompanying articles.
148.5 Regular entry for articles in baggage.
148.6 Entry of unaccompanied shipments of effects subject to personal exemptions.
148.7 Unclaimed baggage.
148.8 Temporary importation by residents arriving for short visits.

Subpart B—Declarations

148.11 Declaration required.
148.12 Oral declarations.
148.13 Written declarations.
148.14 Family declarations.
148.15 Inclusion of articles not for personal or household use.
148.16 Amendment of declaration.
148.17 Declaration on arrival incidental to further foreign travel.
148.18 Failure to declare.
148.19 False or fraudulent statement.

Subpart C—Examination of Baggage and Collection of Duties and Taxes

148.21 Opening of baggage, compartments, or vehicles.
148.22 Examination of air travelers' baggage in foreign territory.
148.23 Examination and clearance of baggage.
148.24 Determination of dutiable value.
148.25 Reexamination and protest.
148.26 Collection of internal revenue taxes.
148.27 Receipt for payment.

Subpart D—Exemptions for Returning Residents

148.31 Effects taken abroad.
148.32 Vehicles, aircraft, boats, teams and saddle horses taken abroad.
148.33 Articles acquired abroad.
148.34 Family grouping of exemptions for articles acquired abroad.

Sec.
148.35 Length of stay for exemption of articles acquired abroad.
148.36 Frequency of allowance of exemption for articles acquired abroad.
148.37 Replacement of unsatisfactory articles acquired abroad.
148.38 Sale of articles acquired abroad.
148.39 Rented automobiles.

Subpart E—Exemptions for Nonresidents

Sec.
148.41 Articles carried through the United States.
148.42 Personal effects.
148.43 Tobacco products and alcoholic beverages.
148.44 Gifts.
148.45 Vehicles and other conveyances.
148.46 Sale of exempted articles.

Subpart F—Other Exemptions

148.51 Special exemption for personal or household articles.
148.52 Exemption for household effects used abroad.
148.53 Exemption for tools of trade.
148.54 Exemption for effects of citizens dying abroad.

Subpart G—Crewmember Declarations and Exemptions

148.61 Status as crewmembers.
148.62 Declaration and entry of articles by crewmembers.
148.63 Articles for use while on temporary leave.
148.64 Administrative exemption.
148.65 Exemptions for resident crewmembers.
148.66 Exemptions for nonresident crewmembers.
148.67 Penalties for failure to declare articles.

Subpart H—Military and Civilian Employees of the United States, and Evacuees

148.71 Status of persons in service of United States as returning residents.
148.72 Articles acquired abroad by personnel on Government vessels.
148.73 Baggage on military transports.
148.74 Exemption on termination of assignment to extended duty or on evacuation.
148.75 Persons ineligible for exemption on termination of assignment.
148.76 Waiver of requirements or limitations.
148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

Subpart I—Personnel of Foreign Governments and International Organizations

148.81 General Provisions.
148.82 Diplomatic, consular, and other privileged personnel.
148.83 Diplomatic and consular bags.
148.84 Baggage and effects of high Government officials.
148.85 Subsequent importations for the personal or family use of diplomatic, consular, and other privileged personnel.
148.86 Articles for official use of representatives of foreign governments.
148.87 Officers and employees of, and representatives to public international organizations.
148.88 Certain representatives to and officers of the United Nations and the Organization of American States.
148.89 Property of public international organizations.

AUTHORITY: R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 66, 1498, 1624. The provisions of this part, except for Subpart C, are also issued under General Headnote 11, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the section affected.

§ 148.0 Scope.

This part contains the regulations governing the allowance of exemptions for residents and nonresidents arriving in the United States, for crewmembers of carriers engaged in international traffic, for military and civilian employees of the United States, for certain evacuees, and for certain personnel of foreign governments and international organizations. Procedures and requirements are also set forth pertaining to registration of articles to be taken abroad, declaration and entry, and examination of baggage, and collection of duties and taxes.

Subpart A—General Provisions

§ 148.1 Registration of valuable effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take valuable effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to the United States.

(b) *Procedure for registration.* Applicants for registration of valuable articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

§ 148.2 Residence status of arriving persons.

(a) *General.* Persons arriving from foreign countries shall be divided into two classes for Customs purposes:

(1) Residents of the United States returning from abroad, and

(2) All other persons, hereinafter referred to as nonresidents.

(b) *Status as returning resident.* Citizens of the United States, or persons who have formerly resided in the United States, shall be deemed residents thereof returning from abroad within the meaning of "residents" as used in schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), in the absence of satisfactory evidence that they have established a home elsewhere. For this purpose, the residence of a wife shall be deemed to be that of her husband unless satisfactory evidence is presented that the wife has established a separate residence elsewhere. The residence of a minor child shall be presumed to be that of his parents.

(c) *Status as nonresident.* Any person arriving in the United States who is not a resident of the United States or who, though a resident of the United States, is not returning from abroad, shall be treated for the purpose of these regulations as a nonresident.

(d) *Optional claim of nonresident status.* Any person arriving in the United States who would otherwise be considered a returning resident, may claim at his option the status of a nonresident if he intends to remain in the United States for only a short period of time before returning abroad. If the status as a nonresident claimed by an arriving person is allowed, the procedures in § 148.8 shall be followed.

§ 148.3 Customs treatment after transiting the Panama Canal.

Passengers' baggage and effects and purchases of officers and crewmembers landed in the United States from vessels which have transited the Panama Canal are subject to Customs examination and treatment in the same manner as arrivals from a foreign country.

§ 148.4 Accompanying articles.

(a) *Generally.* Articles shall be considered as accompanying a passenger or brought in by him if the articles arrive on the same vessel, vehicle, or aircraft on the same date as that of his arrival in the United States.

(b) *Baggage shipped as freight.* Articles in baggage shipped as freight on a bill of lading or airway bill shall be considered as accompanying a passenger when the baggage arrives on the conveyance on which he arrives in the United States.

(c) *Precleared articles.* Articles in baggage, or in baggage shipped as freight, shall be considered as accompanying a passenger if examined at an established preclearance station and the baggage is hand-carried, checked or manifested on the conveyance on which he arrives in the United States.

(d) *Automobiles.* An automobile which arrives on the same mode of conveyance on the same date as a passenger arrives in the United States shall be considered as accompanying him.

(e) *Misdirected baggage.* Baggage which arrives on the same mode of conveyance ahead of, or after a passenger, shall be treated as accompanying him if it is fully evident to the examining officer from the circumstances that:

(1) The passenger intended the baggage to arrive with him; and

(2) It was misdirected through no fault of the passenger.

§ 148.5 Regular entry of articles in baggage.

Subject to any applicable exemption from entry requirements, articles im-

ported as baggage but not passed under a baggage declaration or under the procedure provided in § 148.6 for unaccompanied shipments of effects subject to personal exemptions shall be entered in the same manner as a cargo importation of like goods. In making regular entry for articles imported in baggage, the value of articles entitled to free entry under item 810.20 or 813.10, Tariff Schedules of the United States (19 U.S.C. 1202), shall be disregarded in determining whether formal or informal entry is required.

§ 148.6 Entry of unaccompanied shipments of effects subject to personal exemptions.

(a) *Declaration to support free entry.* When effects claimed to be free of duty under items 810.20, 812.10, 812.20, 812.30, or 813.10, Tariff Schedules of the United States (19 U.S.C. 1202), do not accompany the importer on his arrival in the United States or are forwarded in bond, a declaration of the importer on Customs Form 3299 shall be required to support the claim for free entry. However, an oral declaration may be accepted in lieu of a written declaration on Customs Form 3299, for effects of a resident which are free of duty under item 810.20 for tools of trade taken abroad or under item 813.10 for personal and household effects taken abroad. Effects of returning residents entitled to free entry under item 810.20 or item 813.10 (except automobiles and other vehicles of residents returning from countries other than Canada or Mexico) need not be itemized if a written declaration is required.

(b) *Exemption from entry.* If the district director is satisfied that an entry would serve no good purpose, none need be required, but evidence of ownership for Customs purposes, such as a carrier's certificate or properly endorsed bill of lading, shall be required with the declaration. Such exemption from entry may also be applied with respect to household effects or tools of trade entitled to free entry (see §§ 148.52 and 148.53 respectively) which are unaccompanied or forwarded in bond.

§ 148.7 Unclaimed baggage.

Articles in passengers' baggage on which duties due are not paid and baggage not claimed within a reasonable time shall be treated as unclaimed and sent to general order.

§ 148.8 Temporary importation by residents arriving for short visits.

A person claiming the status of a nonresident upon arrival for a short visit in the United States before returning abroad may import articles free of duty under items 812.10, 812.20, 812.25, and 812.30, Tariff Schedules of the United States (19 U.S.C. 1202), in accordance with the following procedure:

(a) The person claiming the status shall agree to export all such articles upon his departure from the United States, except articles imported as gifts under item 812.25, and articles consumed during his visit;

(b) When required to do so, the person claiming the status shall list all articles of substantial value which he is importing on Customs Form 4455, in duplicate, noting thereon the expected duration of his visit. He shall present the completed form to the inspecting officer who will initial both copies and return the duplicate to him;

(c) Upon his departure from the United States at the completion of his visit, the person claiming the status of a nonresident shall present to a Customs officer the duplicate copy of Customs Form 4455, initialed by the inspecting officer, and the articles listed thereon shall be subject to inspection; and

(d) If he decides not to return abroad, the person claiming the status shall immediately notify the district director at the port of entry. The district director will advise him of the amount of duties and taxes due by reason of his failure to return abroad.

Subpart B—Declarations

§ 148.11 Declaration required.

All articles brought into the United States by any individual shall be declared to a Customs officer at the port of first arrival in the United States, on a conveyance en route to the United States on which a Customs officer is assigned for that purpose, or at a preclearance office in a foreign country where a United States Customs officer is stationed for that purpose.

§ 148.12 Oral declarations.

(a) *Generally.* Returning residents and nonresidents arriving in the United States may make an oral declaration under the conditions set forth in paragraph (b) of this section. However, written declarations may be required generally or in respect to particular types of traffic at any port if necessary to effect prompt and orderly clearance of passengers and their effects, and may be required in particular cases at any port if deemed necessary to protect the revenue. If an oral declaration is permitted, completion of the identifying information on Customs Form 6059–B may be required.

(b) *When permitted.* Oral declarations may be permitted under the following conditions:

(1) *Residents.* A returning resident may make an oral declaration if:

(i) The aggregate fair retail value in the country of acquisition of all accompanying articles acquired abroad by him and of the cost or value of alterations and dutiable repairs made abroad to personal and household effects taken out and brought back by him does not exceed $100, or $200 in the case of direct or indirect arrivals from American Samoa, Guam, and the Virgin Islands of the United States, if not more than $100 shall have been acquired elsewhere than in such insular possessions;

(ii) None of his accompanying articles are forwarded in bond; and

(iii) None of his accompanying articles are imported for the account of any other person or for sale.

(2) *Nonresidents.* An arriving nonresident may make an oral declaration if all the articles he has to declare are:

(i) Entitled to free entry under his personal exemptions (see Subpart E of this part); or

(ii) Eligible for the administrative exemption for articles not exceeding $10 in aggregate value, provided in section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.51).

(c) *Memorandum baggage declaration for dutiable articles.* When an arriving person is carrying a few dutiable or taxable articles which can be readily identified and segregated from articles entitled to free entry under his personal exemptions, the Customs officer may prepare a memorandum baggage declaration using a cash receipt, Customs Form 5104, for dutiable or taxable articles if he determines that a written declaration by the arriving person is not essential.

§ 148.13 Written declarations.

(a) *When required.* Unless an oral declaration is accepted under § 148.12, the declaration required of a person arriving in the United States shall be in writing on Customs Form 6059–B.

(b) *Completion and presentation of written declarations.* The person arriving in the United States shall complete the information required by Customs Form 6059–B and shall list all articles acquired abroad which are in his possession at the time of arrival. Individual items not exceeding $5 per item in fair retail value in the country of acquisition may be grouped on the written declaration as "Miscellaneous" up to but not exceeding a total value of $50. Articles not requiring itemization as set forth in paragraph (c) of this section shall be declared orally to the Customs officer. The form shall be presented to the Customs officer who will inspect the passenger's baggage.

(c) *Itemization of certain articles not required.* Except as required by § 148.62 or § 148.66 for crewmembers' articles, the following need not be itemized in written declarations:

(1) Effects of a returning resident entitled to free entry under item 810.20, Tariff Shcedules of the United States (19 U.S.C. 1202), for tools of trade taken abroad, or under item 813.10, for personal or household effects taken abroad. However, automobiles and other vehicles of residents returning from countries other than Canada or Mexico and the cost of all repairs or alterations to articles taken abroad must be itemized.

(2) Effects of a nonresident entitled to free entry under item 812.10, Tariff Schedules of the United States (19 U.S.C. 1202), for wearing apparel and other similar personal effects; item 812.20, for tobacco products and alcoholic beverages; item 812.25, for articles to be disposed of as bona fide gifts; or item 812.40, for articles accompanying a person in transit to a place outside U.S. Customs territory.

(3) Books, libraries, furniture, and similar household effects entitled to free

entry under item 810.10, Tariff Schedules of the United States (19 U.S.C. 1202).

(d) *Value.* Opposite the description of each article required to be declared specifically in a written declaration the passenger shall state either:

(1) The price at retail actually paid for the article in the currency of purchase, or its equivalent in U.S. currency; or

(2) The fair retail value in the country of acquisition if the article was not acquired at retail or by purchase, in the currency of the country in which the article was acquired or in U.S. currency.

(e) *Acknowledgment before Customs officer.* Each written declaration shall be acknowledged by the declarant before the Customs officer who examines the baggage covered by the declaration.

§ 148.14 Family declarations.

A family group residing in one household, traveling together, and having the same residence status may be permitted to declare orally articles acquired abroad for the personal or household use of any member of the family if the value of such articles does not exceed the total amount of the exemption to which the family group is entitled. (See § 148.34.) Where a written declaration is required, one member of a family group may declare for all. Servants accompanying a family group shall not be included in the family declaration.

§ 148.15 Inclusion of articles not for personal or household use.

Articles not personal in character, or which are intended for sale or are brought in on commission for another person, may be included in the baggage declaration of a resident or nonresident under the conditions specified in § 148.23 (c). If not so included, regular entry shall be required.

§ 148.16 Amendment of declaration.

(a) *Before examination.* A passenger shall be permitted to add an article to his declaration if, before examination of his baggage has begun, the fact that the article has not been declared is brought to the attention of the examining officer by the passenger.

(b) *After examination is begun.* A passenger shall be permitted to add an article to his declaration after examination of his baggage has begun if, before any undeclared article is found, the passenger advises the examining officer that he has such an article and the officer is satisfied that there was no fraudulent intent. Under no circumstances shall a passenger be permitted to add any undeclared article to his declaration after such article has been discovered by the examining officer.

§ 148.17 Declaration on arrival incidental to further foreign travel.

(a) *Declaration on incidental arrival.* A resident who enters the United States merely as an incident of foreign travel and who will continue his foreign travel before finally returning to the United States from a continuous trip shall declare, but need not clear through Customs, any articles he has acquired or had repaired or altered while abroad. The incidental character of the arrival shall be made known to the Customs officer.

(b) *Treatment of articles on incidental arrival.* In order that a resident may claim the $100 or $200 exemption upon his final arrival in the United States from a continuous trip, articles accompanying him at the time of an incidental arrival may be exported directly from Customs custody or after transportation in bond, or the articles may be left in Customs custody if the resident upon his final return is to arrive at the Customs facility where the articles are deposited.

(c) *Failure to advise of incidental character of arrival.* If the traveler fails to advise the Customs officer of the incidental character of his arrival, or for other reason declares any articles for allowance of the $100 or $200 exemption, such declaration shall mark the beginning of the respective period or periods during which a further exemption cannot be granted.

§ 148.18 Failure to declare.

(a) *Penalty incurred.* Except as provided in paragraphs (b) and (c) of this section for the remission of the personal penalty and mitigation of the forfeiture in special circumstances, any article in the baggage of a passenger arriving from a foreign country which is not declared as required by this subpart shall be seized if it is available for seizure at the time the violation is detected, and the personal penalty prescribed by section 497, Tariff Act of 1930 (19 U.S.C. 1497) shall be demanded from the passenger. If the article is not seized, a claim for the personal penalty shall be made against the person who imported the article without declaration. No duty shall be collected, since undeclared articles are treated as smuggled.

(b) *Remission of penalty.* When an article not declared as required by this subpart is found in the baggage of a person arriving in the United States, the personal penalty incurred is hereby remitted pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), provided it is satisfactorily established that:

(1) The article would have been free of duty and internal revenue tax if it had been properly declared;

(2) Its importation is not prohibited or restricted; and

(3) The failure to declare was not due to willful negligence or fraudulent intent.

(c) *Mitigation or remission of forfeiture incurred.* In any case in which the personal penalty for failure to declare is remitted in accordance with paragraph (b) of this section, the forfeiture incurred will be mitigated or remitted as follows:

(1) When the article would have been free of duty only because of the provisions of items 810.20, 812.10, 812.25, 812.30, 812.40, 813.10, 813.30, or 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), or section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), the forfeiture incurred is hereby mitigated pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), to a sum equal to the duty and any internal revenue tax which would have accrued upon the article had it been imported for commercial purposes; or

(2) When the article would otherwise have been free of duty and internal revenue tax, the forfeiture incurred is hereby remitted pursuant to the same authority.

§ 148.19 False or fraudulent statement.

A passenger who makes any false or fraudulent statement or engages in other conduct within the purview of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), whereby a Customs officer is or may be induced to pass an article free of duty or at less than the proper amount of duty, shall be deemed to have violated the said section 592. In any such case the article involved shall be seized, if it is available for seizure at the time the violation is detected and such seizure is otherwise practicable, unless the article is in the possession of an innocent holder for value who has full right to possession as against any party to the Customs violation. If the article is not available for seizure or is in the hands of such an innocent holder, or if seizure is impracticable, the domestic value of the article, determined in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606), shall be demanded from the passenger. Whether the article is seized or the domestic value thereof is demanded in lieu of seizure, the duty estimated to be due thereon shall be demanded of the passenger as soon as possible after the discovery of the violation. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

Subpart C—Examination of Baggage and Collection of Duties and Taxes

§ 148.21 Opening of baggage, compartments, or vehicles.

(a) *Customs officers not to open.* Customs officers shall not open baggage or other containers, nor unlock vehicles or compartments thereof for the purpose of examination, but shall detain them until the owner, his agent, or the person in charge of any baggage, container or vehicle opens or refuses to open them.

(b) *Refusal to open—(1) General.* If an owner, his agent, or the person in charge of any baggage, other container, or vehicle with a locked compartment refuses to open it, the baggage, container, or vehicle shall be treated as unclaimed.

(2) *On arrival from Canada or Mexico.* If the owner, his agent, or the person in charge of any baggage, container, or vehicle arriving from Canada or Mexico refuses to open it, it shall be opened in accordance with section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from him to make other proper disposition. If any article subject to duty, or any prohibited article is found upon opening by a Customs officer, the

whole contents and the container or vehicle shall be subject to forfeiture.

(Secs. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

§ 148.22 Examination of air travelers' baggage in foreign territory.

(a) *Examination and surrender of declaration.* The baggage of persons traveling by air may be examined and passed in accordance with § 148.23 at places in foreign territory where U.S. Customs offices have been established for that purpose (see § 1.4 of this chapter). When baggage is examined in foreign territory, the baggage declaration shall be surrendered to the Customs officer at the airport of departure for the United States prior to boarding the flight.

(b) *Subsequently acquired articles.* When a person whose baggage has been examined and passed in foreign territory in accordance with paragraph (a) of this section subsequently acquires additional articles prior to return to the United States, the Customs officer to whom the declaration was surrendered may permit the amendment of that declaration to include the additional articles.

§ 148.23 Examination and clearance of baggage.

(a) *Articles free of duty.* The inspector, including inspectors on trains or ferries, who examines the baggage of any person arriving in the United States may examine and pass, without limitation as to value, the following articles in such baggage or otherwise accompanying such person:

(1) All articles which are for the personal or household use of the arriving person and are free of duty under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), including automobiles and other articles under § 148.32.

(2) Works of art classifiable under item 765.03, Tariff Schedules of the United States (19 U.S.C. 1202).

(3) Works of art classifiable under item 765.10, 765.15, 765.20, or 765.25, Tariff Schedules of the United States (19 U.S.C. 1202), upon compliance with § 10.48 of this chapter.

(4) Works of art produced by American artists temporarily residing abroad provided for in item 765.30, Tariff Schedules of the United States (19 U.S.C. 1202), upon compliance with § 10.50 of this chapter.

(b) *Articles subject to duty.* The inspector who examines the baggage of any person arriving in the United States may examine, determine the dutiable value of, collect duty on, and pass articles accompanying the arriving person which are for his personal or household use but are subject to duty, including articles imported to be disposed of by him as bona fide gifts.

(c) *Articles not for personal use—(1) Valued at not more than $250.* The inspector may also examine, determine the dutiable value of, collect duty on, and pass articles accompanying any person arriving in the United States properly listed on the baggage declaration which are not for the personal or household use of the declarant or which are intended for sale or are brought in on commission for another, provided the aggregate value of such articles is not more than $250.

(2) *Valued over $250 but not over $500.* Articles in the baggage of or otherwise accompanying any person arriving in the United States which have an aggregate value over $250 but not over $500 and are not intended for his personal or household use, or are intended for sale or are brought in on commission for another, may be examined and entered and cleared on a baggage declaration at the place of their arrival with a passenger if:

(i) The articles are accompanied by a proper invoice if one is required (see section 8.15 of this chapter); and

(ii) It is practicable to appraise the articles at the place of arrival.

(d) *Examination of tea for personal use imported in baggage.* Tea for personal use in one or more packages weighing not more than 5 pounds each, when imported in a passenger's baggage, may be delivered without examination for purity under 21 U.S.C. 41–50 and without payment of the examination fee prescribed in 21 U.S.C. 46a.

§ 148.24 Determination of dutiable value.

(a) *Principles applied.* In determining the dutiable value of articles examined under § 148.23, the Customs inspector shall apply the principles of section 402 or section 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402), and shall not regard the declared value or price as conclusive.

(b) *Adjustment of value declared.* An adjustment shall be made by the Customs inspector whenever the purchase price or value declared differs from the fair retail value, whether by reason of depreciation due to wear or use, circumstances of purchase or acquisition, or for any other reason. He shall give due consideration to the condition of the articles at the time of importation, but he shall not make any allowance for wear and use in excess of 25 per centum of the declared price or value of a worn or used article. A passenger who desires to claim a larger allowance may arrange for formal entry and appraisement of his goods.

§ 148.25 Reexamination and protest.

(a) *Reexamination.* Whenever the Customs officer deems it advisable any or all of a passenger's baggage may be sent to the public stores for examination or reexamination. Passengers dissatisfied with the assessment of duty on their baggage may demand a reexamination, provided the articles have not been removed from Customs custody. In either case, a receipt for the baggage to be examined or reexamined shall be given on Customs Form 6051.

(b) *Protest.* If the passenger remains dissatisfied with the assessment of duty after reexamination, he shall pay the duty assessed and may protest the decision of the district director in accordance with Part 174 of this chapter.

§ 148.26 Collection of internal revenue taxes.

(a) *Cigars and cigarettes.* The internal revenue tax on taxable cigars and cigarettes in a passenger's baggage shall be paid to Customs, using the Customs entry form as a return. Any such return shall show the kind, the quantity, and the tax by class on cigars and cigarettes separately from the statement of duty. Unless for the personal consumption of the importer or disposition as his bona fide gift, cigars and cigarettes are subject to the packaging and marking requirements in the regulations of the Bureau of Alcohol, Tobacco, and Firearms.

(b) *Alcoholic beverages.* The internal revenue tax shall be collected on all wines and liquors in excess of the quantity entitled to exemption as specified in this part. Alcoholic beverages found in passenger's baggage shall be released without the placing of strip stamps on the bottles when it appears from the baggage declaration or otherwise that the liquors are for personal use and not for sale or other commercial purposes.

§ 148.27 Receipt for payment.

When duties and internal revenue taxes on articles in a passenger's baggage are collected, a receipt on Customs Form 5104 shall be issued to the passenger if such duties and taxes are paid in cash. If such duties and taxes are paid by personal check, the check shall be the passenger's receipt unless a receipt is requested.

Subpart D—Exemptions for Returning Residents

§ 148.31 Effects taken abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under item 813.10 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, (19 U.S.C. 1202), all personal and household effects taken abroad. To ensure allowance of the exemption, articles of foreign origin should be registered in accordance with § 148.1. Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, may be brought in free of duty if taken abroad for noncommercial use (see § 148.32).

(b) *Repair or alteration while abroad.* If any such personal or household effect taken abroad has been advanced in value or improved in condition while abroad by repairs (including cleaning) not merely incidental to wear or use while abroad, or by alterations (including additions) which did not change the identity of the article, the cost or value of such repairs or alterations is subject to duty unless all or part of such cost or value is covered by an allowance of the $100 or $200 exemption for articles acquired abroad (see § 148.33). An effect taken abroad and there changed into a different article is dutiable at its full value when returned to the United States, unless covered in whole or in part by some provision for free entry.

§ 148.32 Vehicles, aircraft, boats, teams and saddle horses taken abroad.

(a) *Admission free of duty.* Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, taken abroad for noncommercial use and returned by a returning resident shall be admitted free of duty upon being satisfactorily identified.

(b) *Identification of articles taken abroad.* Upon the request of the owner or his agent, the district director shall cause any article described in paragraph (a) of this section to be examined before it is taken abroad, and shall issue a certificate of registration therefor on Customs Form 4455. On the return of the article, the certificate may be accepted as satisfactory identification of the described article for the purpose of admitting the article free of duty. In lieu of Customs Form 4455, the following may be accepted as satisfactory identification of such articles taken abroad:

(1) For an automobile, the State registration card;

(2) For an aircraft, the certificate of registration issued by the Federal Aviation Administration; and

(3) For a pleasure boat, the yacht license or motorboat identification certificate.

(c) *Repairs, alterations, and accessories.* Repairs made abroad to articles described in paragraph (a) of this section, if incidental to use abroad, are not subject to duty. Repairs not incidental to use abroad, and alterations and additions made abroad, shall be assessed with duty upon their value at the rate at which the article itself would be dutiable if imported. Accessories for articles described in paragraph (a) of this section which are acquired abroad are dutiable as if separately imported. Any accessories, repairs, alterations, or additions, which accompany the returning resident at the time of his return to the United States shall be included in his baggage declaration.

(d) *Entry.* Entry on a baggage declaration or regular entry (see § 148.5) shall be required if:

(1) The owner or his agent is unable to produce a proper registration card or certificate to cover the article;

(2) A claim for free entry of repairs, alterations, additions, or accessories is to be made under the $100 or $200 returning resident's exemption for articles acquired abroad; or

(3) Duty is to be collected.

(77A Stat. 411; 19 U.S.C. 1202, item 813.10, Tariff Schedules of the United States)

§ 148.33 Articles acquired abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under items 813.30 and 813.31 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), articles for his personal or household use which were purchased or otherwise acquired abroad merely as an incident of the foreign journey from which he is returning and which accompany him on his arrival, subject to the limitations and conditions set forth in this section and §§ 148.34–148.38. The aggregate fair retail value in the country of acquisition of such articles for personal and household use shall not exceed $100, or $200 in the case of a resident arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, of which not more than $100 shall have been acquired elsewhere than in such insular possession.

(b) *Application to articles of highest rate of duty.* The $100 or $200 exemption shall be applied to the aggregate fair retail value in the country of acquisition of the articles acquired abroad which are subject to the highest rates of duty. If an internal revenue tax is applicable, it shall be combined with the duty in determining which rates are highest.

(c) *Gifts.* An article acquired abroad by a returning resident and imported by him to be disposed of after importation as his bona fide gift is considered to be for the personal use of the returning resident and may be included in the exemption.

(d) *Tobacco products and alcoholic beverages.* Cigars, cigarettes, manufactured tobacco, and alcoholic beverages, may be included in the exemption to which a returning resident is entitled, with the following limits:

(1) No more than 100 cigars may be included;

(2) No alcoholic beverages shall be included in the case of an individual who has not attained the age of 21; and

(3) No more than 1 quart of alcoholic beverages may be included unless the individual is arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States. An individual returning directly or indirectly from these insular possessions shall be entitled to include in the exemption no more than 1 wine gallon of alcoholic beverages, not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions.

(e) *Exemption not applicable.* The exemption does not apply to articles intended for sale or acquired on commission, i.e., for the account of another person, with or without compensation for the service rendered. Articles acquired on one journey and left in a foreign country cannot be allowed the exemption accruing upon the return of the resident from a subsequent journey.

(f) *Remainder not applicable to subsequent journey.* A returning resident who has received a total exemption of less than $100 under the $100 exemption, or less than $200 under the $200 exemption in connection with his return from one journey is not entitled to apply the remainder of either amount to articles acquired abroad on a subsequent journey.

§ 148.34 Family grouping of exemptions for articles acquired abroad.

(a) *Grouping of exemptions.* Each member of a family is entitled to the $100 or $200 exemption for articles acquired abroad, subject to the conditions prescribed in this subpart. When members of a family residing in one household travel together on their return to the United States, the $100 or $200 exemption to which the several members of the family may be entitled may be grouped and allowed without regard to which member of the family is the owner of the articles. However, a group exemption shall not include an exemption for a family member not entitled to it in his own right, nor shall a group exemption be applied to any property of such a member. The exemption of a family member who has not attained the age of 21 shall not be applied under the group exemption to alcoholic beverages. No exemptions allowable to a resident servant accompanying the family shall be included in the family grouping.

(b) *Members of a family residing in one household.* The term "members of a family in one household" shall include all persons, regardless of age, who:

(1) Are related by blood, marriage, or adoption;

(2) Lived together in one household at their last permament residence; and

(3) Intend to live together in one household after their arrival in the United States.

§ 148.35 Length of stay for exemption of articles acquired abroad.

(a) *Required for allowance of $100 exemption.* The $100 exemption for articles acquired abroad shall not be allowed unless the returning resident has remained beyond the territorial limits of the United States for a period of not less than 48 hours, except in the case of a resident arriving directly in the United States from Mexico. The exemption may be allowed on articles acquired abroad by a returning resident arriving directly from Mexico without regard to the length of time the person has remained outside the territorial limits of the United States.

(b) *Required for allowance of $200 exemption on return from Virgin Islands.* The $200 exemption applicable in the case of the arrival of a returning resident directly or indirectly from the Virgin Islands of the United States may be allowed without regard to the length of time such person has remained outside the territorial limits of the United States.

(c) *Computation of time.* The 48-hour period a returning resident must have completed abroad to be entitled to an exemption shall be computed exactly. For example, a resident leaving United States territory at 1:30 p.m. on June 1 would complete the 48-hour period at 1:30 p.m. on June 3.

§ 148.36 Frequency of allowance of exemption for articles acquired abroad.

(a) *30-day period.* The $100 or $200 exemption for articles acquired abroad shall not be granted to a returning resident who has taken advantage of such exemption within the 30-day period immediately preceding his return to the United States. The date of the returning resident's latest prior arrival on which he declared articles acquired abroad for

allowance of the $100 or $200 exemption shall be deemed the date he took advantage of the applicable exemption.

(b) *Computation of time.* The 30-day period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 30 days. For example, in the case of an arrival on May 28, the resident would not be entitled to the $100 or $200 exemption if he had taken advantage of such exemption on or after the preceding April 28.

§ 148.37 Replacement of unsatisfactory articles acquired abroad.

(a) *Free entry of replacement articles.* An article furnished by a foreign supplier to replace a like article of comparable value previously exempted from duty under the $100 or $200 exemptions for articles acquired abroad shall be allowed free entry if the original article is found by the importer to be unsatisfactory and the procedures provided by paragraph (b) of this section are followed. In any case in which the importer has failed to follow these procedures, the district director may allow free entry of the replacement article if he is satisfied that the unsatisfactory article was timely exported and that the failure to comply with the procedures of paragraph (b) of this section was due to inadvertence or lack of experience in Customs matters and was without willful intent to avoid Customs supervision.

(b) *Procedure for replacement.* Any article previously exempted from duty under the $100 or $200 exemptions found by the importer to be unsatisfactory shall be returned to Customs custody and exported under Customs supervision at the expense of the importer within 60 days after its importation. A certificate of registration on Customs Form 4455 shall be issued to the importer with instructions as to its use when the unsatisfactory article is exported for replacement under the provisions of item 813.40, Tariff Schedules of the United States.

(c) *Articles found damaged upon declaration.* The requirement that the original article be exported under Customs supervision does not apply when a duplicate article is furnished by a foreign supplier as a replacement for an article declared for entry under the $100 or $200 exemption and found by the Customs inspector or other examining officer to be so damaged as to constitute a nonimportation (§ 158.11 of this chapter). In such a case, Customs Form 4455 shall be issued to the importer at the time the determination of nonimportation is made and the duplicate replacement shall be considered to have been acquired abroad for the purposes of the $100 or $200 exemption provision, provided no charge is made to the importer for the duplicate replacement.

§ 148.38 Sale of articles acquired abroad.

An article brought in under the $100 or $200 exemption for articles acquired abroad for personal or household use and subsequently sold is not dutiable or subject to forfeiture by reason of the sale if the returning resident actually acquired and imported the article for his bona fide personal or household use and not for sale

§ 148.39 Rented automobiles.

(a) *Importation for temporary period.* An automobile rented by a resident of the United States while abroad may be brought into the United States by or on behalf of such resident for a temporary period not to exceed 30 days under item 813.25, Tariff Schedules of the United States (19 U.S.C. 1202), without payment of duty. The automobile shall be used for the transportation of the resident and that of his family and guests, and for such incidental carriage of articles as may be appropriate to his personal use of the automobile. No entry or security for exportation shall be required.

(b) *Unauthorized use or failure to export.* If any automobile exempted from duty under item 813.25, Tariff Schedules of the United States (19 U.S.C. 1202), is used otherwise than for the purpose expressed or is not returned abroad within 30 days, without prior payment to a district director of the duty which would have been payable at the time of entry if entered without benefit of the exemption, the automobile or its value (to be recovered from the importer) shall be subject to forefeiture.

Subpart E—Exemptions for Nonresidents

§ 148.41 Articles carried through the United States.

An arriving nonresident who is in transit to a place outside U.S. Customs territory may take with him through U.S. Customs territory for carriage to such place articles not exceeding $200 in aggregate value without the payment of duty or internal revenue taxes as provided in item 812.40, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 148.42 Personal effects.

(a) *Exemption.* A nonresident arriving in the United States, regardless of age, is entitled under item 812.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), to entry free of duty and internal revenue tax for his wearing apparel, articles of personal adornment, toilet articles, and similar personal effects. "Similar personal effects" include all articles intended and appropriate for the personal use of the nonresident while traveling, such as hunting and fishing equipment, wheelchairs for invalids or crippled persons, pet and hunting dogs, and the like.

(b) *Application of exemption.* The exemption applies only to articles which were actually owned by the nonresident and in his possession abroad at the time of, or prior to, his departure for the United States. The articles must be appropriate for the personal use of the nonresident, and intended only for such use and not as a gift for another person nor for sale.

§ 148.43 Tobacco products and alcoholic beverages.

(a) *For personal use.* Fifty cigars, or 300 cigarettes, or 3 pounds of smoking tobacco, and not exceeding 1 quart of alcoholic beverages may be passed free of duty and internal revenue tax under item 812.20, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), when brought in by an adult nonresident for his personal use, and not for commercial use or to be given to another person. This exemption for tobacco products may be applied proportionately; for example to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes and 1 pound of smoking tobacco. The exemption may be applied to more than one kind of alcoholic beverages but not to an aggregate volume of more than 1 quart for one adult nonresident.

(b) *For gifts.* A nonresident who is allowed the $100 gift exemption (see § 148.44) may include not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars under such exemption from duty and internal revenue tax, provided the articles accompany him and are to be disposed of only as bona fide gifts.

§ 148.44 Gifts.

(a) *Exemption.* An arriving nonresident who intends to remain in the United States for not less than 72 hours is entitled to claim as free of duty and internal revenue tax under item 812.25, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), articles not over $100 in aggregate value which accompany him and are to be disposed of by him as bona fide gifts. See § 148.43 for limitations on alcoholic beverages and cigars under this exemption.

(b) *Frequency of allowance.* The exemption for gifts may be allowed only if the nonresident has not claimed the exemption within the immediately preceding 6 months.

§ 148.45 Vehicles and other conveyances.

Nonresidents are entitled to entry free of duty and internal revenue tax under item 812.30, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), for automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation and the usual equipment accompanying them, if such articles are imported in connection with the arrival of the nonresident to be used in the United States only for the transportation of the nonresident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.

§ 148.46 Sale of exempted articles.

(a) *Sale resulting in forfeiture.* The following articles or their value (to be recovered from the importer) upon their sale, shall be subject to forfeiture in accordance with the provisions of schedule

8, part 2A, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), unless the procedure set forth in paragraph (b) of this section is followed:

(1) Any jewelry or similar articles of personal adornment having an aggregate value of $300 or more which have been allowed an exemption under § 148.42, if sold within 3 years of the date of importation.

(2) Any conveyance or its equipment allowed an exemption under § 148.45, if sold within 1 year after the date of importation.

(b) *Procedure permitting sale.* Articles described in paragraph (a) of this section may be sold if, prior to the time of sale, payment is made to a district director of the duty which would have been payable at the time of entry if the article had been entered without the benefit of the applicable exemption.

(c) *Permissible sales.* A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not a basis for any liability for duty or forfeiture.

Subpart F—Other Exemptions

§ 148.51 Special exemption for personal or household articles.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), may be applied to articles for his personal or household use including gifts, but not for any business or commercial use, accompanying:

(1) A nonresident arriving in the United States who is not entitled to an exemption for gifts under item 812.25, Tariff Schedules of the United States (19 U.S.C. 1202) (see § 148.44); or

(2) A returning resident who is not entitled to the $100 or $200 exemption for articles acquired abroad under item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202) (see Subpart D of this part).

(b) *Limitations.* No article accompanying a person arriving in the United States shall be exempted from duty or internal revenue tax under section 321(a)(2)(B), Tariff Act of 1930, as amended, if any article accompanying such person is subject to duty or tax by reason of the following limitations on the application of this exemption:

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed $10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to articles subject to internal revenue tax other than:

(i) Cigarettes not in excess of 50;

(ii) Cigars not in excess of 10;

(iii) Alcoholic beverages not in excess of 4 ounces; or

(iv) Alcoholic perfumery not in excess of 4 ounces.

(c) *Family grouping.* Family grouping of the exemption shall not be allowed.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

§ 148.52 Exemption for household effects used abroad.

(a) *Exemption.* Furniture, carpets, paintings, tableware, books, libraries, and other usual household furnishings and effects actually used abroad for not less than 1 year by resident or nonresidents, and not intended for any other person or for sale may be allowed entry free of duty and tax under item 810.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), Household effects used abroad not less than 1 year by a family of which the importer was a resident member for not less than 1 year during the period of use may be allowed free entry whether or not the importer owned the effects at the time of such use. The year of use need not be continuous, nor need it immediately precede the time of importation.

(b) *Proof of use.* In order to obtain free entry for household effects under this section, the use of the effects abroad for 1 year must be proven to the satisfaction of the district director. The district director, in his discretion, may require evidence of use other than the declaration provided for in paragraph (c) of this section.

(c) *Declaration.* When household effects are claimed to be free of duty a declaration of the owner on Customs Form 3299 shall be required to support the claim for free entry. If it is impracticable to produce the declaration at the time of entry, the importer may give a bond on Customs Form 7551 or 7553 for the production of the owner's declaration within 6 months.

(d) *Arrival of effects more than 10 years after arrival of importer.* As a general rule, household effects arriving more than 10 years after the last arrival of the importer from the country in which the effects were used shall not be admitted free of duty under this exemption unless the district director is satisfied from the importer's explanation that the effects were unavoidably detained beyond the 10-year period. However, in no case shall free entry be allowed under this provision when a period of 25 years or more has elapsed since the last arrival of the importer in the United States from the country in which the effects were used.

§ 148.53 Exemption for tools of trade.

(a) *Exemption.* Professional books, implements, instruments, or tools of trade, occupation or employment, may be allowed entry free of duty and tax under the provisions of schedule 8, part 2, headnote 1, and item 811.10, Tariff Schedules of the United States (19 U.S.C. 1202), for such articles owned and used abroad by any person emigrating to the United States, or item 810.20 for such articles taken abroad by or for the account of any person arriving in the United States. The exemption for emigrants under item 811.10 shall not be applied to:

(1) Theatrical scenery, properties, or apparel;

(2) Articles for use in any manufacturing establishment;

(3) Articles for any other person; or

(4) Articles for sale.

(b) *Declaration.* A declaration of the emigrant or returning individual on Customs Form 3299 shall be required to support the claim of free entry. However, an oral declaration may be accepted from a returning individual in lieu of a written declaration for any such articles claimed to be free of duty under item 810.20, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 148.54 Exemption for effects of citizens dying abroad.

(a) *Exemption.* Articles claimed to be personal and household effects, not stock in trade, the title to which is in the estate of a citizen of the United States who died abroad may be allowed entry free of duty and tax under item 815.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Entry.* Such effects shall be entered in accordance with the provisions of § 8.50 of this chapter, or if the value of such effects does not exceed $250, entry may be permitted under the provisions of § 8.51 of this chapter.

(c) *Statement of facts required.* The district director shall require in connection with the entry the written statement of a person having knowledge of the facts or shall otherwise satisfy himself as to the citizenship of the deceased owner of the effects at the time of death.

Subpart G—Crewmember Declarations and Exemptions

§ 148.61 Status as crewmembers.

The following persons arriving in the United States shall not be treated as crewmembers:

(a) Members of the Armed Forces of the United States and persons in the civil service of the United States engaged in the operation of a vessel, vehicle, or aircraft owned by, or under the complete control and management of, the United States or any of its agencies.

(b) Persons engaged in the operation of a private or public aircraft.

(c) Persons not connected with the operation, navigation, ownership, or business of a vessel, vehicle or aircraft engaged in international traffic.

§ 148.62 Declaration and entry of articles by crewmembers.

(a) *Declaration required.* Articles which are to be landed by a crewmember, including any person traveling on board a vessel, vehicle, or aircraft engaged in international traffic who is returning from a trip on which he was employed as a crewmember, shall be declared upon arrival of the vessel, vehicle, or aircraft in the United States. When practicable, the clearance of articles through Customs shall be made and permission to unlade obtained before the articles are taken from the carrier. However, if no danger to the revenue will result, articles may be submitted for examination and clearance to the Customs office on the pier or at the landing place.

(b) *Form of declaration*—(1) *Oral declaration.* A crewmember may be permitted to make an oral declaration and

entry if all articles he has to declare, in addition to articles for use in port on temporary leave for which no entry is required in accordance with § 148.63, may be admitted free of duty and tax under section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.64).

(2) *Written declaration.* A written declaration on Customs Form 5123, Declaration and Entry of Crewmember for Imported Articles, or on Customs Form 5129, Crewmember's Declaration shall be required in any case in which an oral declaration is not permitted. A written declaration may be required in any case if necessary to effect prompt and orderly clearance of crewmembers and their effects or if deemed necessary to protect the revenue.

(c) *Transfer without declaration.* Articles belonging to a crewmember may be transferred from one carrier to another in international traffic without declaration, entry, or assessment of duty if the transfer is carried out under the supervision of Customs officers, or by a bonded cartman if necessary.

(d) *Entry at port where articles to be landed.* Articles in the possession of or owned by a crewmember of a character for which entry must be made when they are brought into the United States shall be entered at the port where the articles are to be landed. However, if the crewmember remains on a vessel, vehicle, or aircraft which is to proceed to another port of the United States in a movement in which entry of the vessel, vehicle, or aircraft will not be required, entry of the articles shall be made at the port at which such movement begins.

(e) *Collection of duty and taxes.* Any duties and taxes found due shall be collected as in the case of arriving passengers.

§ 148.63 Articles for use while on temporary leave.

(a) *Exemption.* Articles in the possession of and exclusively for use by any crewmember during the trip or voyage, such as necessary clothing, toiletries, and purely personal effects, may be landed by such crewmember for use on temporary leave without a written declaration or entry, and without payment of duty or internal revenue tax under item 814.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202), if the district director is satisfied that:

(1) The articles are reasonable and appropriate for the crewmember's accommodation while on temporary leave, and are to be taken out of the United States, except for articles consumed in use;

(2) The articles are intended exclusively for the crewmember's bona fide personal use;

(3) The quantities are reasonable, depending on the circumstances in each particular case; and

(4) In the case of tobacco products and alcoholic beverages, the containers have been opened and the total quantity landed shall not exceed 50 cigars, 300 cigarettes, or 3 pounds of smoking tobacco, or a proportionate amount of each, and 1 quart of alcoholic beverages.

(b) *Temporary leave.* A crewmember is not considered to be on temporary leave from a vessel, vehicle, or aircraft engaged in international traffic or entitled to the exemption under this section upon disembarkation when he is to remain in the confines of a pier, terminal, airport, or area immediately adjacent thereto, in order to timely embark on the carrier in the course of a continuous journey or on a concurrently scheduled arrival and departure.

§ 148.64 Administrative exemption.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), may be applied to articles for the personal and household use, including gifts, of a crewmember arriving in the United States who is not entitled to an exemption under item 812.25 or 813.31, Tariff Schedules of the United States (see §§ 148.66(c) and 148.65). The exemption may be applied when the crewmember is entitled to an exemption under item 814.00, Tariff Schedules of the United States (19 U.S.C. 1202), for articles for use while on temporary leave (§ 148.63).

(b) *Limitations.* No article accompanying a crewmember arriving in the United States shall be exempted from duty or internal revenue tax under section 321(a)(2)(B), Tariff Act of 1930, as amended, if any article accompanying such crewmember is subject to duty or internal revenue tax by reason of the following limitations.

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed $10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to any article subject to internal revenue tax in addition to any articles allowed an exemption under item 814.00, Tariff Schedules of the United States (19 U.S.C. 1202), other than:

(i) Cigarettes not in excess of 50;

(ii) Cigars not in excess of 10;

(iii) Alcoholic beverages not in excess of 4 ounces; or

(iv) Alcoholic perfumery not in excess of 4 ounces.

§ 148.65 Exemptions for resident crewmembers.

(a) *Status as returning resident.* A crewmember arriving on a vessel, vehicle, or aircraft from a foreign port who is a resident of the United States shall be considered a returning resident qualifying for the exemptions allowed under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), and subpart D of this part if:

(1) He permanently leaves the carrier without intention of resuming his employment on the same or another carrier engaged in international traffic; or

(2) He remains on or transfers to a vessel which is to proceed to another port of the United States in a movement in which entry of the vessel will not be required.

(b) *Statement on declaration.* A resident crewmember who claims that articles declared by him are entitled to be passed free of duty and tax under the returning resident's exemption, shall include a legible statement on the declaration, Customs Form 5123 or 5129, of the basis for his claim for entitlement to the resident's exemption (see paragraphs (a)(1) and (2) of this section).

§ 148.66 Exemptions for nonresident crewmembers.

(a) *Status as arriving nonresident.* A nonresident crewmember will be treated as an arriving nonresident for purposes of claiming the exemptions allowable under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), and subpart E of this part when he permanently leaves his employment with a vessel, vehicle, or aircraft at a port in the United States without intention of resuming employment on the same or another carrier in international traffic. However, a nonresident crewmember shall not be treated as an arriving nonresident for this purpose when he departs a carrier for temporary leave but retains his employment with the carrier so that he will be going foreign again in the course of his continuing employment (see § 148.63).

(b) *Articles carried through the United States.* A nonresident crewmember, permanently leaving a carrier in a U.S. port to travel as a passenger on another carrier which will take him to a place outside the United States, who desires to take with him articles not exceeding $200 in aggregate value without the payment of duty or internal revenue tax as provided in item 812.40 (see § 148.41), may be accorded free entry of the articles under the following procedure:

(1) *Declaration and supporting statement.* The nonresident crewmember shall itemize the articles on his declaration and entry, Customs Form 5123 or or 5129, required by § 148.62(b)(2), and shall state in writing in support of his declaration that:

(i) He has been finally discharged from the carrier, with the date of discharge;

(ii) He intends to depart from the same or another U.S. port as a passenger on another carrier for a place outside U.S. Customs territory; and

(iii) The articles will be taken with him on such carrier and will not remain in the United States.

(2) *Allowance by district director.* The district director may require verification of the crewmember's discharge and a statement as to the accuracy of the second and third supporting statements of the crewmember from the person in charge of the carrier, the vessel agent, or the port captain. If the district director is satisfied that the crewmember's statements are correct, the articles may be

passed free of duty and internal revenue tax under item 812.40, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Articles to be disposed of as gifts.* A nonresident crewmember shall itemize on his baggage declaration and entry, Customs Form 5123 or 5129, required by § 148.62, all articles in his possession for which he seeks entry under item 812.25, Tariff Schedules of the United States (19 U.S.C. 1202), as bona fide gifts. The crewmember must be permanently leaving his employment on the international carrier for a stay in the United States of at least 72 hours before departing for a place outside the United States as a passenger.

§ 148.67 Penalties for failure to declare articles.

(a) *Avoidance of inspection.* When articles may be presented to the Customs office on the pier or at the landing place for inspection and clearance, if the circumstances under which the articles are landed indicate an attempt to avoid inspection, the penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall be assessed.

(b) *Articles landed without declaration.* Any article landed without having been properly declared as provided in § 148.62 shall be considered as having been unladen without a permit and the penalties provided in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), or section 1474 of title 49, United States Code, shall be assessed as applicable.

(c) *Articles omitted from declaration.* If the declaration does not include all the articles landed, the crewmember shall be subject to the penalties prescribed in section 497, Tariff Act of 1930 (19 U.S.C. 1497), with respect to the articles omitted. The penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall not be assessed if any, though not all, of the articles are declared, except as provided in paragraph (a) of this section.

Subpart H—Military and Civilian Employees of the United States, and Evacuees

§ 148.71 Status of persons in service of United States as returning residents.

A person in the service of the United States and members of his family arriving in the United States are ordinarily considered returning residents for the purpose of schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), except that the following persons are treated as nonresidents:

(a) A wife or husband of any person in the service of the United States emigrating to the United States, and

(b) A child born abroad of any person in the service of the United States who is arriving in the United States for the first time.

§ 148.72 Articles acquired abroad by personnel on Government vessels.

(a) *Declaration of dutiable articles by commanding officer.* Immediately upon the arrival of any vessel operated by the United States or any agency thereof from a foreign port, the commanding officer shall file with the district director information as to dutiable articles acquired abroad in the following form:

UNITED STATES NAVY CUSTOMS DECLARATION

U.S.S. ....., Port of arrival .....

To the District Director of Customs:
Herewith is submitted a list of articles acquired in foreign countries by me and the respective officers and members of the crew under my command, which list is correct to the best of my knowledge and belief.

Owner	Rank	Description of articles	Cost or value

Date ....., 19... (Name).....

(Rank).....
Commanding Officer

If there are no articles to be listed, the statement "Nothing to declare" shall be placed on the form. No individual baggage declarations shall be required.

(b) *Examination of baggage.* Articles listed on the declaration filed by the commanding officer shall be segregated until formally passed by Customs. The listed articles shall be examined and passed in the same manner as the baggage on passenger vessels.

§ 148.73 Baggage on military transports.

(a) *Declaration.* Commissioned officers and enlisted personnel of the Armed Forces of the United States engaged in the operation of an Army or Navy transport, enlisted men carried as passengers, and civilian officers and crewmembers shall not be required to execute baggage declarations, but all articles acquired abroad by them must be listed on the manifest of the vessel. All cabin passengers shall be required to execute written baggage declarations.

(b) *Exemptions applicable.* Passengers on transports shall be granted the applicable exemptions from duty provided for in schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202). Members of the Armed Forces of the United States and personnel in the civil service of the United States engaged in the operation of the vessel shall be accorded the same privilege. Civilian officers and crewmembers not in the service of the United States shall be subject to the provisions of Subpart G of this part with respect to exemption from duty.

(c) *Examination of baggage.* Baggage on transports shall be examined at the port where landed in the same manner as baggage on commercial vessels.

§ 148.74 Exemption on termination of assignment to extended duty or on evacuation.

(a) *Exemption.* With the limitation on alcoholic beverages and tobacco products provided in paragraph (c) of this section, entry free of duty and tax under item 817.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, (19 U.S.C. 1202), may be accorded personal and household effects of:

(1) Any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty at a post or station outside the Customs territory of the United States;

(2) Members of his family who have resided with him at such post or station and are returning upon the termination of his assignment; or

(3) Any person evacuated to the United States under Government orders or instructions.

(b) *Applicability of exemption.* The term "personal effects" as used in item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), is not confined to that class of articles described in item 812.10, Tariff Schedules of the United States, nor is any period of use, such as is prescribed by item 810.10, Tariff Schedules of the United States, applicable to household effects entered under item 817.00. The privilege of free entry under item 817.00, Tariff Schedules of the United States, does not apply to:

(1) Articles imported for sale, or for the account of any person not specified in item 817.00, Tariff Schedules of the United States; or

(2) Articles which have not been in the direct personal possession of the claimant, or a member of his household, while abroad.

(c) *Limitation on alcoholic beverages and tobacco products.* A total of not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars shall be accorded free entry under item 817.00, Tariff Schedules of the United States, (19 U.S.C. 1202), subject to the conditions that:

(1) These articles accompany the person making the claim for free entry upon his arrival in the United States;

(2) Not more than 1 quart of any such alcoholic beverages shall have been distilled or otherwise manufactured and bottled in any place other than the United States or its possessions;

(3) Such individual has not concurrently claimed exemptions as a returning resident under items 813.30 and 813.31, Tariff Schedules of the United States; and

(4) Such person, if other than one in the service of the United States, shall have attained the age of 21.

(d) *Termination of assignment to extended duty.* The requirement of item 817.00 that the person "returns to the United States upon the termination of assignment to extended duty" shall be considered met upon the necessary proof being submitted that any one of the following is applicable:

(1) The person is returning upon the termination of a tour of duty outside the Customs territory of the United States of at least 140 days' duration.

(2) The person is returning after the termination of an assignment under permanent change of station orders to duty at a post or station outside the Customs territory of the United States, regardless of the duration of the duty. A crewmember, including a member of a command, serving on a United States naval vessel when it departs from the United

States on an intended deployment of 120 days or more outside the Customs territory of the United States and who continues to serve on the vessel until it returns to the United States may be considered as returning after the termination of an assignment of duty under permanent change of station orders.

(3) The person is returning to the United States upon the termination of a tour of duty at any time after leaving the United States for duty of not less than 140 days outside the Customs territory of the United States.

(4) The person, although not returning to the United States, is ordered by the Government agency involved from duty at a post or station outside the Customs territory of the United States to duty at another post or station outside the Customs territory of the United States necessitating the return to the United States of his personal and household effects.

§ 148.75 Persons ineligible for exemption on termination of assignment.

(a) *Persons returning from temporary assignment.* No person, or member of his family, shall be allowed free entry of personal and household effects under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), where the person returns to the United States pursuant to Government orders or instructions which authorized him initially to proceed to a foreign post or station and return to the United States upon termination of temporary duty, except as it may otherwise be deemed proper in accordance with the provisions of § 148.74(d) or § 148.76.

(b) *Persons returning on leave or before termination of extended duty assignment.* A person returning on leave, other than on reemployment leave at the termination of assignment to extended duty as defined in § 148.74(d), or otherwise returning before the termination of an assignment to extended duty outside the Customs territory of the United States, with or without orders covering the return, is not eligible for an exemption under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Person returning on temporary duty assignment.* A person returning to the United States under orders on temporary duty assignment at the termination of which he is returned to his duty station abroad to resume his regular duties is not regarded as returning to the United States at the termination of extended duty outside the Customs territory of the United States and is not eligible for an exemption under item 817.00, Tariff Schedules of the United States, (19 U.S.C. 1202).

§ 148.76 Waiver of requirements or limitations.

In any case in which the limitation on the quantity of alcoholic beverages and tobacco products which may be exempted from duty and tax under § 148.74(c) or the failure of the person to meet the requirements that he be returning upon the termination of assignment to "extended duty," as explained in § 148.74(d), will cause undue hardship to the person through no fault of his own, but rather because of the nature of his assignment or other hardship circumstances, the Commissioner of Customs, upon receipt of a request from the Government agency involved, may waive the limitation or the requirement, as the case may be, if he deems such waiver warranted by the facts.

§ 148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

(a) *General procedure.* All articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), shall be entered or withdrawn in accordance with the requirements prescribed by the Tariff Act of 1930, as amended. District directors shall be satisfied in all cases that the articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States, are personal and household effects of the importer entitled to the benefits of item 817.00, particularly in those cases where the quantity of effects imported may appear to be unreasonable for personal or household use. No invoice shall be required for articles accorded free entry under this provision.

(b) *Declaration and entry*—(1) *Person entitled to exemption.* Declaration and entry for articles claimed to be exempt from duty and tax under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), may be made on Customs Form 6061, or Department of Defense Form (DD) 1252 when entry is made in the name of the person who is entitled to the benefits of the exemption. The date of the person's last departure from the United States shall be indicated on the declaration and entry.

(2) *Designated official.* Customs Form 6061, executed on behalf of the owner of unaccompanied personal and household effects by either a United States Dispatch Agent or a designated responsible military official in his own name, may be accepted by the Customs officer as the declaration and entry if there is a valid reason evident from the owner's travel orders or information at hand why the United States Government agency concerned is unable to present Department of Defense Form (DD) 1252 or Customs Form 6061 executed by the owner. The date of the owner's last departure from the United States need not be indicated on the form. The following statement shall be added across the face or to the back of Customs Form 6061:

This form is completed on behalf of

(Name of Government employee)

Travel orders and information on hand in this office show that the named person has met all requirements of § 148.74 of the Customs Regulations and is entitled to the benefits of item 817.00, Tariff Schedules of the United States. The shipment imported consists of nothing but personal and household effects of the named person, which effects are not imported for sale or as an accommodation for others.

(c) *Verification of claim for exemption*—(1) *By travel orders.* The declaration and entry shall be verified by the Customs officer by an inspection of the owner's travel orders. If the district director accepts an inspection of the owner's travel orders as evidence that the effects were brought into the United States within the requirements of item 817.00, the owner's travel orders shall be identified on the entry, which shall be handled like a free baggage declaration. istration card;

(2) *By other evidence.* The declaration and entry may be verified by other evidence which satisfies the district director that the effects were brought into the United States in connection with:

(i) The person's return to the United States upon the termination of assignment to extended duty, as explained in § 148.74(d);

(ii) The return of members of his family who have resided with him at his post or station upon the termination of his assignment; or

(iii) The evacuation of a person to the United States under Government orders or instructions.

Subpart I—Personnel of Foreign Governments and International Organizations

§ 148.81 General provisions.

(a) *Reciprocal privileges.* The privileges provided for in §§ 148.81 through 148.86 and § 10.30c of this chapter shall be accorded only if reciprocal privileges are granted by the foreign government involved to U.S. personnel of comparable status.

(b) *Baggage and effects.* The term "baggage and effects," as used in this subpart and § 10.30c of this chapter includes all articles which were in the possession of a person abroad, and are being imported in connection with his arrival, and which are intended for his bona fide personal or household use. It does not include articles imported as an accommodation to others or for sale or other commercial use.

(c) *Aliens.* The privileges provided in this subpart and § 10.30c of this chapter shall be accorded only to alien representatives, officers, employees, and members of the armed forces of foreign governments and designated public international organiations.

(d) *Internal revenue tax.* Any article exempted from the payment of duty under this subpart and § 10.30c of this chapter shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation.

§ 148.82 Diplomatic, consular and other privileged personnel.

(a) *Inviolability of the person of diplomatic personnel.* The person of the representatives of foreign governments and members of their families set forth below shall be free from arrest, search, or detention:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies, and legations, and other heads of diplomatic missions or members of the diplomatic staffs of such missions, accredited to the United States or en route between other countries to which accredited and their own countries.

(2) Members of the families forming part of the households of the diplomatic personnel listed in the preceding subparagraph, who are accompanying them or traveling separately to join them incidental to their official travel, excluding those members of families who are U.S. nationals.

(3) Members of the administrative and technical staffs of diplomatic missions accredited to the United States and members of their families forming part of their household, all of whom are not nationals or permanent residents of the United States who are accompanying them or traveling separately to join them incidental to their official travel.

(4) Diplomatic and consular couriers.

(b) *Exemption for baggage and effects and admission without entry.* The baggage and effects of the following representatives of foreign governments shall be admitted free of duty without the filing of an entry, upon the request of the Department of State and appropriate instructions from the Bureau of Customs in each instance:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of embassies and legations, and other members of the diplomatic staffs of such missions accredited to the United States or en route to or from other countries to which assigned, as well as recognized consular officers, and the immediate families, suites, and servants of all the above under item 820.10, Tariff Schedules of the United States (19 U.S.C. 1202).

(2) Members of the administrative and technical staffs of diplomatic missions and members of their families forming part of their households, all of whom are not nationals or permanent residents of the United States under item 820.10, Tariff Shcedules of the United States (19 U.S.C. 1202). Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to baggage and effects imported at the time of first installation.

(3) Consular employees who are not nationals or permanent residents of the United States. Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to articles imported at the time of first installation.

(4) Other high officials of foreign governments and such distinguished foreign visitors as may be designated by the Department of State, and their immediate families under item 820.50, Tariff Schedules of the United States (19 U.S.C. 1202).

(5) Foreign government personnel entitled to privileges under statutes or treaties under item 820.60, Tariff Schedules of the United States (19 U.S.C. 1202).

(6) Diplomatic couriers, limited to accompanying baggage and effects.

(c) *Absence of special request.* In the absence of special request from the Department of State prior to the arrival of representatives of foreign governments enumerated in paragraph (b)(1) of this section, their immediate families as well as accompanying suites and servants, and diplomatic couriers, their baggage and effects may be admitted free of duty without entry upon presentation of their credentials or other proof of their identity.

(d) *Delay in arrival of baggage or effects.* If by accident or unavoidable delay in shipment the baggage or other effects of a person entitled to the privileges of this section shall arrive after him upon satisfactory proof of ownership, such baggage or effects may be passed free of duty without entry.

(e) *Inspection of baggage—(1) Exemption for representatives of foreign governments.* The personal baggage of the following representatives of foreign governments and their families is ordinarily exempt from inspection:

(i) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies or legations, and other members of the diplomatic staffs of such missions, who are accredited to the United States or en route between other countries to which accredited and their own countries and members of their families forming part of their household who are not nationals of the United States.

(ii) Consular officers recognized by the United States and members of their families forming part of their household who are not nationals or permanent residents of the United States, provided the baggage accompanies them.

(iii) Diplomatic couriers, provided the baggage accompanies them.

(2) *Conditions permitting inspection.* The personal baggage of representatives of foreign governments listed in subparagraph (1) of this paragraph and members of their families may be inspected if there is serious reason to believe that it contains:

(i) Articles other than those for the personal use of such persons or for the use of their establishments or for official mission use.

(ii) In the case of consular officers and their families, articles intended for consumption in excess of the quantities necessary for direct use by the person concerned.

(iii) Articles which are absolutely or conditionally prohibited importation or exportation under the laws or regulations of the United States, or which are subject to the quarantine laws or regulations of the United States.

(3) *Presence of foreign representative.* When inspection of personal baggage is permitted under subparagraph (2) of this paragraph, the inspection shall take place only in the presence of the affected representative of a foreign government, or his authorized agent.

§ 148.83 Diplomatic and consular bags.

(a) *Diplomatic bags.* The contents of diplomatic bags are restricted to diplomatic documents and articles intended exclusively for official use and packages constituting the diplomatic bag must bear visible marks of their character. Diplomatic bags shall not be opened or detained nor shall they be subject to duty or entry.

(b) *Consular bags.* Consular bags must bear visible external marks of their character and their contents are restricted to official correspondence and documents or articles intended exclusively for official use. Consular bags shall not be subject to duty and ordinarily shall not be opened or detained. However, if Customs officers have serious reason to believe that a consular bag contains other than permissible materials, they may request that the bag be opened in their presence by an authorized representative of the foreign government concerned. If this request is refused, the consular bag shall be returned to its place of origin.

§ 148.84 Baggage and effects of high Government officials.

The privilege of admission free of duty without entry of their baggage and effects may also be extended to high officials of this Government returning from special missions abroad, upon application therefor direct to the Department of the Treasury and the issuance of appropriate instructions. The free entry authorized hereunder shall not extend to alcoholic beverages, with respect to which the officials referred to in this paragraph shall receive no other exemption from duty and internal revenue tax than is allowed returning residents of the United States in accordance with § 148.33(d).

§ 148.85 Subsequent importations for the personal or family use of diplomatic, consular and other privileged personnel.

The privilege of importing free of duty and without the filing of any entry articles for personal or family use, but not

as an accommodation for others or for sale or other commercial use, shall be granted upon the request of the Department of State and upon appropriate instructions from the Bureau of Customs in each instance, to the following:

(a) Ambassadors, ministers, chargés d'affaires, secretaries, counselors and attachés of foreign embassies and legations accredited to the United States under item 822.10, Tariff Schedules of the United States (19 U.S.C. 1202);

(b) Other representatives, officers and employees of foreign governments, under item 822.30, Tariff Schedules of the United States (19 U.S.C. 1202); and

(c) Other persons designated pursuant to statute or pursuant to treaties between the United States and the countries which they represent, under item 822.40, Tariff Schedules of the United States (19 U.S.C. 1202)

§ 148.86 Articles for official use of representatives of foreign governments.

Office supplies and equipment and other articles for the official use of members and attaches of foreign embassies and legations, consular officers, and other representatives of foreign governments, may be admitted free of duty under item 841.10, Tariff Schedules of the United States, without the filing of an entry, upon the request of the Department of State.

§ 148.87 Officers and employees of, and representatives to public international organizations.

(a) *Exemption for baggage and effects.* The baggage and effects of the alien officers and employees of, or representatives of foreign governments, to the organizations designated by the President as public international organizations pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and the baggage and effects of their families, suites, and servants, shall be admitted free of duty and without entry under item 820.30, Tariff Schedules of the United States (19 U.S.C. 1202), but only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) *Designated public international organizations.* The President, by virtue of the authority vested in him by section 1 of the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 288), has designated certain organizations as public international organizations entitled to the free entry privileges of that statute. The following is a list of the public international organizations currently entitled to such free entry privileges and the Executive orders by which they were designated:

Organization	Executive Order	Date
Asian Development Bank	11334	Mar. 7, 1967
Caribbean Organization	10983	Dec. 30, 1961
Coffee Study Group	10943	May 19, 1961
Customs Cooperation Council	11596	June 5, 1971
European Space Research Organization	11318	Dec. 5, 1966
Food and Agriculture Organization	9698	Feb. 19, 1946
Great Lakes Fishery Commission	11059	Oct. 28, 1962
Inter-American Defense Board	10228	Mar. 26, 1951
Inter-American Development Bank	10873	Apr. 8, 1960
Inter-American Institute of Agricultural Sciences	9751	July 11, 1946
Inter-American Statistical Institute	9751	Do.
Inter-American Tropical Tuna Commission	11059	Oct. 28, 1962
Intergovernmental Maritime Consultative Organization	10795	Dec. 13, 1958
Interim Communications Satellite Committee	11227	June 2, 1965
International Atomic Energy Agency	10727	Aug. 31, 1957
International Bank for Reconstruction and Development	9751	July 11, 1946
International Civil Aviation Organization	9863	May 31, 1947
International Coffee Organization	11225	May 22, 1965
International Cotton Advisory Committee	9911	Dec. 19, 1947
International Cotton Institute	11283	May 27, 1966
International Finance Corporation	10680	Oct. 2, 1956
International Hydrographic Bureau	10769	May 29, 1958
International Joint Commission—United States and Canada	9972	June 25, 1948
International Labor Organization	9698	Feb. 19, 1946
International Monetary Fund	9751	July 11, 1946
International Pacific Halibut Commission	11059	Oct. 28, 1962
International Secretariat for Volunteer Service	11363	July 20, 1967
International Telecommunications Satellite Consortium	11277	Apr. 30, 1966
International Telecommunication Union	9863	May 31, 1947
International Wheat Advisory Committee (International Wheat Council)	9823	Jan. 24, 1947
Organization for Economic Cooperation (now known as the Organization for Economic Cooperation and Development)	10133	June 27, 1950
Organization of American States	10533	June 3, 1954
Pan American Health Organization (includes the Pan American Sanitary Bureau)	10864	Feb. 18, 1960
Pan American Union	10533	June 3, 1954
Provisional Intergovernmental Committee for the Movement of Migrants from Europe (now known as the Intergovernmental Committee for European Migration)	10335	Mar. 28, 1952
Southeast Asia Treaty Organization	10866	Feb. 23, 1960
South Pacific Commission	10086	Nov. 25, 1949
United International Bureau for the Protection of Intellectual Property	11484	Sept. 29, 1969
United Nations	9698	Feb. 19, 1946
United Nations Educational, Scientific, and Cultural Organization	9863	May 31, 1947
Universal Postal Union	10727	Aug. 31, 1957
World Health Organization	10025	Dec. 30, 1948
World Meteorological Organization	10676	Sept. 1, 1956

§ 148.88 Certain representatives to and officers of the United Nations and the Organization of American States.

(a) *Exemption for baggage and effects and admission without entry.* At the request of the Department of State and upon appropriate instructions from the Bureau of Customs in each instance, the privilege of admission free of duty without the filing of an entry may be extended to the baggage and effects of the following alien representatives, officers, and members of the staff of the United Nations and the Organization of American States, and their personal baggage is ordinarily exempt from inspection, subject to § 148.82(e)(2):

(1) Every person designated by a United Nations member nation as the principal resident representative to the United Nations of such member or as a resident representative with the rank of ambassador or minister plenipotentiary and members of their families;

(2) Such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations member concerned and members of their families;

(3) Every person designated by a United Nations member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States and members of their families;

(4) Such other principal resident representatives of United Nations members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations member concerned and members of their families;

(5) The Secretary-General, Under Secretaries-General, and Assistant Secretaries-General to the United Nations and members of their families;

(6) Representatives of members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, while exercising their functions and during their journey to and from the place of meeting, with regard to personal baggage only;

(7) Experts performing missions for the United Nations, the same facilities for personal baggage as are accorded diplomatic envoys;

(8) Any person designated by a member of the Organization of American States as its representative or interim representative on the council of the Organization of American States and members of their families; and

(9) All other permanent members of the Delegation of a member of the Organization of American States and members of their families regarding whom there is agreement for that purpose between the government of the member state concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

(b) *Absence of special request.* In the absence of a special request from the Department of State prior to the arrival of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty without entry may be extended to their baggage and effects upon presentation of their credentials or other proof of identity.

(c) *Importations for personal or family use.* Upon the request of the Department of State and appropriate instructions from the Bureau of Customs, the privilege of importing without entry and free of duty articles for their personal or family use but not as an accommodation for others or for sale or other commercial use may be granted to persons of the classes enumerated in paragraph (a) of this section except those in paragraph (a) (6) and (7) of this section, under item 822.40, Tariff Schedules of the United States (19 U.S.C. 1202).

(d) *Personal inviolability.* The person of the representatives to and officers of the United Nations and the Organization of American States set forth in paragraph (a) of this section shall be free from arrest, search, and detention, except that persons of the rank set forth in paragraph (a) (6) and (7) of this section shall be accorded this privilege only while exercising their function and traveling to and from the place of meeting.

§ 148.89 Property of public international organizations.

(a) *Exemption from duty.* Property of designated international organizations listed in paragraph (b) of § 148.87 shall be admitted free of duty and internal-revenue taxes imposed upon or by reason of importation under 22 U.S.C. 288a(d), but such exemption shall be granted only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) *Bond.* Any Customs bond which may be required from a designated international organization (see paragraph (b) of § 148.87) in connection with the importation or entry of merchandise into, or the exportation of merchandise from, the United States may be accepted without surety.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 148 to 19 CFR Part 10)

Revised Section	*Superseded Section*
148.0	New.
148.1	10.28.
148.2	10.16 and New.
148.3	10.23.
148.4	New.
148.5	10.19(i).
148.6	10.20.
148.7	10.27.
148.8	New.
148.11	10.19(a).
148.12(a) and (b)	10.19(b).
148.12(c)	New.
148.13(a)	10.19(c)(1).
148.13(b)	New, 10.19(c)(3).
148.13(c)	10.19(c)(1).
148.13(d)	10.19(f).
148.13(e)	10.19(d).
148.14	10.19(b) and (g).
148.15	10.1(h).
148.16	10.19(e).
148.17	10.17(j).
148.18	23.5(a) and (b).
148.19	23.5(c).
148.21	10.21(a).
148.22	10.19(a) and (j).
148.23(a)	10.21(b).
148.23(b)	10.21(b).
148.23(c)	10.21(c) and (e).
148.23(d)	10.21(k).
148.24	10.21(d), 10.19(f).
148.25(a)	10.21(f) and (g).
148.25(b)	New.
148.26(a)	10.21(j).
148.26(b)	10.21(m).
148.27	10.21(j).
148.31	10.17(a).
148.32	10.42.
148.33(a)	10.17(b).
148.33(b)	10.17(e).
148.33(c)	10.17(c).
148.33(d)	10.17(d).
148.33(e)	10.17(b), (h)(2).
148.33(f)	10.17(h)(2).
148.34	10.17(f).
148.35(a)	10.17(g)(1).
148.35(b)	10.17(g)(2).
148.35(c)	10.17(i)(1).
148.36	10.17(h)(1), (l)(2).
148.37	10.17(l) (1)–(3).
148.38	10.17(m).
148.39(a)	10.17(n).
148.39(b)	New.
148.41	10.18(d).
148.42	10.18(a).
148.43	10.18(f).
148.44	10.18(b).
148.45	10.18(c).
148.46	10.18(e).
148.51	10.21(j).
148.52	10.11, 10.12, footnote 11.
148.53	10.15.
148.54	10.14.
148.61	New.
148.62	10.22(b), 23.4(a), 6.7(g).
148.63(a)	23.4(c).
148.63(b)	New.
148.64	10.21(j), 23.4.
148.65(a)	10.22(a).
148.65(b)	New.
148.66(a)	10.22(e).
148.66(b)	10.22(d), 6.7(g).
148.66(c)	10.22(e), 6.7(g).
148.67	23.4(a), (b).
148.71	New.
148.72	10.24.
148.73	10.25.
148.74	10.26a (a), (b), (c) (f)(1).
148.75	10.26a (e), (f)(2).
148.76	10.26a (g).
148.77(a)	10.26a (d), (h), (l).
148.77(b)(1)	10.26a (b).
148.77(b)(2)	New.
148.77(c)	10.26a(h).
148.81(a)	New.
148.81(b)	10.30a(c).
148.81(c)	New.
148.81(d)	New.
148.82(a)	New.
148.82(b)	10.29 (a), (c), and (f).
148.82(c)	10.29(b).
148.82(d)	10.29(e).
148.82(e)	10.29(a) and New.
148.83(a)	10.30(b) and New.
148.83(b)	New.
148.85	10.29(d).
148.84	10.30 (c) and (d).
148.86	10.30(a).
148.87(a)	10.30a (b), (d), and (e).
148.87(b)	10.30a(a).
148.88(a)	10.30b (a) and (d).
148.88(b)	10.30b(c).
148.88(c)	10.30b(b).
148.88(d)	New.
148.89(a)	10.30a (b), (d), and (e).
148.89(b)	10.30a(f).

[FR Doc.73-1409 Filed 1-24-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF BIRDS

Proposed Relief of Restrictions

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Department of Agriculture is considering amending Part 92, Title 9, Code of Federal Regulations, to change the restrictions on importation of poultry and other birds.

In April 1971, exotic Newcastle disease was diagnosed in poultry flocks of the United States. Evidence was accumulated in October 1971 substantiating the presence of exotic Newcastle disease among exotic birds which had been imported into the United States.

The commercial importation of birds other than poultry was prohibited August 24, 1972, as a result of isolations of exotic Newcastle disease virus from several species of imported birds.

It was stated at that time that the prohibition would remain in effect until safe and satisfactory procedures could be developed and placed in effect whereby such importations could be resumed without undue risk of introducing exotic Newcastle disease.

On October 5, 1972, a meeting was held with selected members of the pet bird industry, representatives of zoological parks, researchers, scientific experts on exotic Newcastle disease, and interested government officials to discuss possible procedures whereby bird importations might be resumed with the proper safeguards. This notice of proposed rule making was developed as a result of discussions at this meeting and other consultations.

Pet birds are currently allowed importation under specified safeguards. The proposed amendments would (1) define "pet birds" and "commercial birds" and (2) provide for the importation of commercial birds of all classes when the following requirements are met: (1) an import permit must be obtained in advance of shipment, (2) a health certification by a full-time salaried veterinarian of the Government of the country from which the birds are shipped must accompany each lot, (3) each lot must be quarantined for a minimum period of 30 days in a facility provided by the importer in the immediate vicinity of the port of entry, such facility to be approved in advance by Veterinary Services, and (4) during the quarantine period the birds are to be handled in accordance with procedures prescribed by the Department.

1. In § 92.1, paragraph (j) (2) would be amended by adding new subdivisions (i) and (ii) to read as follows:

§ 92.1 Definitions.

* * * * *

(j) * * *

(2) * * * (i) *Pet birds.* Birds which are maintained for the personal pleasure of their individual owners and are not intended for resale, research, breeding, or public display.

(ii) *Commercial birds.* Birds which are imported for the purpose of resale, research, breeding, or public display.

* * * * *

2. In § 92.2, in paragraph (b) the last clause "except as provided in paragraph (c) or (d) of this section," would be amended to read "except as provided in paragraph (c), (d) or (e) of this section."

3. In § 92.2, a new paragraph (e) would be added to read as follows:

§ 92.2 General prohibition.

* * * * *

(e) Commercial birds may be imported into the United States if they meet the requirements of §§ 92.3(f), 92.5(c), 92.8 (b), and 92.11(e) which specifically apply to commercial birds and the requirement of all other sections in this part that are applicable to poultry or to animals generally.

4. In § 92.3, a new paragraph (f) would be added to read:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(f) Notwithstanding any other provisions of this section all commercial birds shall be imported only at a port of entry specified in § 92.8(b).

§ 92.4 [Amended]

5. In § 92.4, a reference to a new footnote 6 would be added after the section heading and a new footnote 6 would be added to the regulations to read as follows:

[6] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J–1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

6. In § 92.5, the section heading would be amended and a new paragraph (c) would be added to read:

§ 92.5 Certificate for ruminants, swine, poultry, and commercial birds.

* * * * *

(c) *Birds.* All commercial birds offered for importation from any country of the world shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the National Government of the country from which the birds are to be exported, stating that all birds covered by the certificate have been inspected by him and that no evidence of Newcastle disease, ornithosis, or other communicable disease of poultry was found among the birds and insofar as has been possible to determine, they were not exposed to any such disease during the 90 days immediately preceding their exportation; that such birds were individually identified by serially numbered legbands (or by other suitable means of identification approved by the Deputy Administrator, Veterinary Services, upon request to him) and such birds were placed into new containers at the place of origin; that such birds have not been vaccinated with Newcastle disease vaccine; that Newcastle disease did not occur anywhere on the premises from which the birds are to be exported or on adjoining premises during the 90 days immediately preceding the exportation of such birds and that these premises are not located in any area under quarantine for poultry diseases during such preceding 90 days.

7. In § 92.8, a new paragraph (b) would be added to read:

§ 92.8 Inspection at port of entry.

* * * * *

(b) (1) All commercial birds imported from any part of the world shall be subjected to inspection at the port of entry by a veterinary inspector of Veterinary Services and such birds, except those from Canada and Mexico, shall be permitted entry into the United States only at the following ports of entry: New York, N.Y.; Miami, Fla.; San Ysidro and Los Angeles, Calif.; Seattle, Wash.; and Honolulu, Hawaii.

(2) All commercial birds imported from Canada shall be permitted entry only at the ports of Seattle, Wash.; Detroit, Mich., and New York, N.Y. All commercial birds from Mexico shall be permitted entry only at the ports of Los Angeles and San Ysidro, Calif.; Miami, Fla.; and Brownsville and El Paso, Tex.

(3) Only the ports of entry specified in this paragraph (b) are approved for the importation of commercial birds, and shipments of such birds presented at any other port will be refused entry as specified in § 92.4(b).

8. In § 92.11, in paragraph (c) (1) the reference to "§ 92.26(a)" would be changed to "§ 92.26" and the reference to

"§ 92.38(a)" would be deleted; and the section heading would be changed and a new paragraph (e) would be added to read:

§ 92.11 Quarantine requirements.

* * * * *

(e) *Birds.* Each lot of commercial birds imported from any part of the world shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Deputy Administrator, Veterinary Services, in any specific case, on an "all-in, all-out" basis, at one of the ports of entry specified in § 92.8(b) in facilities which are provided by the importer and which have been approved in advance for the handling of such birds by an inspector of Veterinary Services.[7] Such facilities shall be located within the immediate port area and shall be isolated from other concentrations of poultry or birds. During the quarantine period, the importer shall comply with handling procedures required by the Deputy Administrator, Veterinary Services, and conducted under the direction of the Veterinary Services port veterinarian. Such procedures shall include inspection and testing as may be required by the Deputy Administrator in any specific case to determine whether the birds are affected with any communicable disease of poultry. If the birds are found free of evidence of communicable diseases of poultry during quarantine, then the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine, to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry or shall be held for an additional period in quarantine until determined to be free of evidence of any communicable disease, or shall be otherwise disposed of as directed by the Deputy Administrator, Veterinary Services, in accordance with the provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a).

§ 92.38 [Deleted]

9. Section 92.38 would be deleted and § 92.26 would be amended to read:

§ 92.26 Poultry from Canada.

Poultry imported from Canada is not required to meet the requirements of § 92.11(c) but shall meet all other requirements of this Part applicable to poultry.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, not later than February 26, 1973.

[7] Standards for approved facilities may be obtained upon request to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Center Building, 6505 Belcrest Road, Room 370, Hyattsville, MD 20782, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of January 1973.

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

[FR Doc.73-1581 Filed 1-24-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

PROCUREMENT OF MATERIALS AND EQUIPMENT AND CONSTRUCTION OF GENERATION FACILITIES

Proposed Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40-6, Construction Methods and the Purchase of Materials and Equipment, to set forth revised policy and procedure to be followed by electric borrowers in the procurement of materials and equipment and the construction of generation facilities. On issuance of the supplement to REA Bulletin 40-6, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the supplement to REA Bulletin 40-6 may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 by February 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the supplement and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed supplement to REA Bulletin 40-6 is as follows:

SUBJECT: Contracts for the Procurement of Materials and Equipment and for Construction of Generation Facilities.

I. *Purpose.* This supplement (a) raises the dollar amount of contracts associated with the procurement of equipment for or the construction of generation facilities which do not require REA approval; and (b) sets forth the modifications to the Equipment Contract, REA Form 198, to include a liability limitation clause related to special and consequential damages which borrowers may use to receive alternate bids in the procurement of equipment for generation facilities.

II. *Policy and Procedures—A. REA Contract Approval Requirements.* With respect to generation facilities, REA Bulletin 40-6, dated August 24, 1970, provides that:

1. Generation materials and equipment amounting to less than $50,000 may be purchased by contract or purchase order not subject to REA approval; and

2. Negotiated construction contracts which do not exceed $50,000 do not require prior REA approval.

In view of the large size powerplants currently being planned and constructed by our borrowers and in consideration of the need for further simplification of REA administrative procedures, it has been determined that the above $50,000 contract limit related to REA's approval of contracts can be substantially raised without any serious effect on loan security. Accordingly, by this supplement the limit of $50,000 set forth in Bulletin 40-6, as related to these items, is hereby raised to $200,000, unless otherwise notified of some lesser dollar limitation by REA in any specific instance.

B. *Special and Consequential Damages.* With respect to the procurement of equipment for generation facilities, some borrowers have reported difficulties in obtaining responsive bidding on REA Form 198 because of its lack of limitation with respect to special and consequential damages. REA has carefully reviewed this matter and has determined that where a borrower feels its best interests can be served by enlarging competition through the receipt of an alternate bid which limits the bidder's liability for special and consequential damages, the following modifications may be made in the REA Contract Form 198 on which bids are to be received:

1. Insert a new paragraph 10 on page 2 of the Notice and Instructions to Bidders as follows:

"10. Proposals are invited on the basis of alternate provisions with respect to liability. It would be desirable for bidders to submit proposals on each of the alternate liability clauses set forth in the form of proposal attached hereto. The owner may determine on which liability clause basis the award shall be made, and may make the award on the basis of the lowest proposal for such liability clause, whether or not it is the lowest of all proposals received."

2. Insert on page 3 of the contract documents under paragraph 1 of the proposal the following:

"*Liability Clause Number 1.* $———— (to include paragraphs (a) and (b) only of section 4, unmodified, of the form of contract furnished by the owner and attached hereto).

"*Liability Clause Number 2.* $———— (to include the following paragraph (c), in addition to paragraphs (a) and (b) of section 4, unmodified, of the form of contract furnished by the owner and attached hereto):

"(c) Except for the Seller's willful delay or refusal to perform the contract in accordance with its terms, the Seller's liability for special or consequential damages on account of any breach of this contract shall not exceed an amount equal to the contract price. If the contract provides for the furnishing of more than one unit of equipment or materials, the limitation prescribed hereinabove shall be applied to each individual unit with respect to which such breach has occurred and 'contract price' shall be deemed to mean the unit price specified in the contract, or, if none is specified, a proportionate part of the total price stipulated for all such units."

3. Insert the following after the word "stated" in Section 1—Acceptance of Proposal (a) page 5 of the Equipment Contract form:

", including Liability Clause Number ——————."

The borrower's decision as to whether to receive bids permitting this alternate should be made by the borrower's board of directors acting on the advice of its engineer,

based on his assessment of the need to receive alternate bids to obtain adequate responsive bidding and thus assure competition.

Dated: January 19, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-1583 Filed 1-24-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Petitions to Revoke Standard Concerning the Design, Construction, Setting, and Feeding of Dies; Request for Information

Two petitions have been received requesting the revocation of paragraph (d) (1) and (2) of 29 CFR 1910.217.

In substance, paragraph (d) (1) and (2) require an employer to institute die design, procurement, construction, and modification policies and procedures that will eliminate by August 31, 1974, the need for an employee to place his hands or fingers within the point of operation on a mechanical power press. Paragraph (c) of § 1910.217 requires an employer to provide and insure the usage of either point of operation guards or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press.

A major contention of the petitioners is that the point of operation guards or point of operation devices required by 29 CFR 1910.217(c) adequately protect an operator of a mechanical power press from an injury that could result from his hands being placed at the point of operation of the press. Since the guards or devices are designed to prevent either an operator's hands or fingers from entering the area at the point of operation or the stroking of a press, it is contended that the design and construction requirements for mechanical power presses in 29 CFR 1910.217(d) (1) and (2) would serve the same purpose and provide substantially the same protection. Hence petitioners argue that these provisions require great expenditures without adding significant protection. Therefore petitioners request the revocation of 29 CFR 1910.217(d) (1) and (2).

Interested persons are invited to submit written data, views, and arguments concerning the petitions and whether a proceeding to grant the requested relief should be commenced under section 6(b) of the Occupational Safety and Health Act of 1970 and 29 CFR Part 1911. In particular, written information is requested with respect to the following:

(1) Work injury experience with point of operation guards or devices similar to those required by 29 CFR 1910.217(c);

(2) Whether the point of operation guards or devices required by 29 CFR 1910.217(c) provide sufficient protection, of themselves, to operators;

(3) Safeguarding devices presently under development;

(4) Work injury experience with "no hands in dies" presses similar to those required by 29 CFR 1910.217(d) (1) and (2);

(5) Estimate of the time period necessary to comply with the present "no hands in dies" standard;

(6) Supported cost data of the estimated costs of coming into compliance with the "no hands in dies" standard; and

(7) Any other related issue.

Written data, views, and arguments concerning the petitions should be mailed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, before February 24, 1973. The data, views, and arguments will be available for public inspection and copying at the Office of Standards.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1570 Filed 1-24-73;8:45 am]

[29 CFR Part 1999]

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures

The National Environmental Policy Act, among other things, requires all Federal agencies to file environmental impact statements before undertaking major action significantly affecting the quality of the human environment. Since the Occupational Safety and Health Administration may take certain actions which may significantly effect the environment, it is appropriate to prescribe procedures to be followed when impact statements are required. Therefore, pursuant to authority in section 2(f) of Executive Order 11514 of March 5, 1970 (3 CFR 1966–70, Comp., p. 902) and section 552 of the Administrative Procedure Act (5 U.S.C. 552), it is proposed that Chapter XVII of Title 29 of the Code of Federal Regulations be amended by adding a new Part 1999, as set out below, containing procedures to be followed when environmental impact statements are required.

All interested persons are invited to submit by February 24, 1973, written comments, suggestions, or objections with respect to the proposed procedure. Submissions should be directed to the Office of Solicitor, attention Mr. Benjamin W. Mintz, U.S. Department of Labor, Room 5420, 14th and Constitution Avenue NW., Washington, DC 20210.

The proposed new Part 1999 reads as follows:

Sec.
1999.1 Purpose and scope.
1999.2 Initial determination of need for impact statement.
1999.3 Preparation and circulation of draft impact statement.
1999.4 Preparation and circulation of final impact statement.
1999.5 Emergency circumstances.
1999.6 Effect of final impact statement upon agency decisionmaking.

AUTHORITY: Sec. 2(f) of Executive Order 11514 of March 5, 1970, and under 5 U.S.C. 552

§ 1999.1 Purpose and scope.

(a) Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332) requires all Federal agencies to include a detailed environmental impact statement "in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." Executive Order 11514 of March 5, 1970, directed all agencies to proceed with the actions required by section 102.

(b) The Occupational Safety and Health Administration in exercise of the authority given it under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678) (hereinafter, the Act) is empowered to take some actions which, within the meaning of the National Environmental Policy Act, would significantly effect the quality of the human environment. For example, certain occupational safety and health standards issued under section 6(b) of the Act may have such effect.

(c) The purpose of this subpart is to prescribe the procedure to be followed when such impact statements are required.

§ 1999.2 Initial determination of need for impact statement.

(a) Whenever the Occupational Safety and Health Administration considers taking major action, the Assistant Secretary for Occupational Safety and Health or his subdelegate (hereinafter, the Assistant Secretary) shall determine whether an impact statement is required. In the case of occupational safety and health standards, such decision will normally be made prior to the seeking of the advice of an advisory committee under section 6(b)(1) of the Act.

(b) If the Assistant Secretary determines that an impact statement is not required, a short statement indicating the reasons for such a decision shall be prepared and made available for public inspection under Part 70 of this title and Part 1913 of this Chapter.

(c) If the Assistant Secretary determines that an impact statement is required, a notice to this effect shall be published in the FEDERAL REGISTER.

§ 1999.3 Preparation and circulation of draft impact statement.

(a) After an initial determination of the need for an impact statement, and at least 90 days before final agency action is taken, the Assistant Secretary shall prepare a draft impact statement.

(1) When an advisory committee's advice is sought on the promulgation, modification or revocation of a standard, the draft statement should normally be

prepared and submitted to the committee before such committee submits its recommendations to the Assistant Secretary.

(b) The draft impact statement shall include a detailed statement on:

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c) During the preparation of the draft statement, an office may informally contact Federal, State, and local agencies with environmental expertise for help in the preparation of the statement.

(d) Ten copies of the draft impact statement shall be forwarded to the Council on Environmental Quality.

(e) The draft statement shall also be circulated to Federal agencies which has jurisdiction by law or special expertise with respect to any environmental impact involved. Federal agencies which may be consulted are listed in the CEQ Guidelines, 36 FR 7724–7729, April 23, 1971.

(1) Time limits for reply shall be 30 days. In the case of the Environmental Protection Agency the time limit shall be 45 days.

§ 1999.4 Preparation and circulation of final impact statement.

(a) After comments have been received on the draft impact statement, and at least 30 days before final agency action, the appropriate office shall prepare a final impact statement.

(1) In the case of standards, the final impact statement must be prepared by the date that the Assistant Secretary publishes a proposed rule promulgating, modifying, or revoking a standard in the FEDERAL REGISTER.

(b) The final impact statement shall contain an analysis of all review comment and shall modify or amplify the draft impact statement as necessary.

(c) Ten copies of the final impact statement, together with comments received on the draft impact statement, shall be forwarded to the Council on Environmental Quality.

(d) After the final impact statement is prepared, a notice to the public shall be published in the FEDERAL REGISTER indicating the availability of such statement and requesting comments.

(e) In the cases in which an opportunity for a formal or informal hearing is provided under the act, the final impact statement shall be the proper subject of comment during such hearing.

§ 1999.5 Emergency circumstances.

(a) When emergency circumstances, overriding consideration of expense to the Government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the time limitations set out in this subpart, the appropriate office shall consult with the Council on Environmental Quality concerning alternative procedures.

§ 1999.6 Effect of final impact statement upon agency decision-making.

The Assistant Secretary shall consider the final impact statement and the comments, along with other considerations dictated by the Williams-Steiger Occupational Safety and Health Act, in deciding whether to take an action which is the subject of a final impact statement.

Signed at Washington, D.C., this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1571 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-12P]

MENOMINEE RIVER, WIS.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Ogden Street Bridge across the Menominee River at mile 0.37 between Marinette, Wis., and Menominee, Mich., at the request of the Wisconsin Division of Highways. This bridge is now open for vehicular traffic. It replaces a bridge that was located at mile 0.4. The vertical clearance of the new bridge is 3 feet greater than the bridge it replaced, or 12 feet from high water and 18 feet from low water. Commercial vessel traffic through this bridge has steadily declined from 1962 through 1970 from 579,000 tons in 1962 to 292,524 in 1970. The number of passengers in the same period dropped from 5,164 to 11. The proposed regulations would restrict vessels in the winter months and during the period from 12 midnight to 8 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 6, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.644a immediately after § 117.644 to read as follows:

§ 117.644a Ogden Street Bridge, Menominee River, Wis.

(a) The draw shall open on signal:

(1) From April 15 through December 15 from 8 a.m. to 12 midnight.

(2) From April 15 through December 15 from 12 midnight to 8 a.m. if at least 2 hours notice is given to the authorized representative.

(3) From December 16 through April 14 if at least 12 hours notice is given to the authorized representative.

(b) Signals:

(1) The opening signal is one long blast followed by one short blast.

(2) The acknowledging signal is:

(i) One long blast followed by one short blast when the draw will open immediately.

(ii) Five short blasts when the draw cannot open immediately. When the draw will open the drawtender shall sound one long blast followed by one short blast.

(c) The draw need not open for the passage of vessels carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of any vessel habitually frequenting this waterway.

(d) The owner of or agency controlling this bridge shall conspicuously post the provisions of this regulation both upstream and downstream in such a manner that it may be easily read at any time from an approaching vessel. The posted provisions shall state exactly how the authorized representative may be reached at any time.

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

Dated: January 19, 1973.

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

[FR Doc.73-1558 Filed 1-24-73;8:45 am]

[33 CFR Part 117]

[CGD 73-13 P]

SPA CREEK, MD.

Proposed Drawbridge Operation Regulations

At the request of the city of Annapolis and the Maryland Department of Transportation, the Coast Guard is considering

amending the regulations for the highway bridge across Spa Creek, Annapolis, Md., to better resolve the conflict between vehicular traffic over the bridge and boat traffic through the draw. This is due to an increase in vehicular traffic. The draw is presently required to open on signal, however, the draw may remain closed from 7:30 a.m. to 9 a.m. and 4:30 p.m. Monday through Friday, except State and Federal holidays. The proposed additional closed periods would be in effect from May 1 through October 31 from 6 a.m. to 12 midnight when the draw would be required to open only on the hour and half hour. The emergency vehicle provision is deleted because it is in 33 CFR 117.1a(e).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before March 6, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.311 to read as follows:

§ 117.311 Spa Creek, Md.; highway bridge at Annapolis.

(a) From May 1 through October 31 the owner of or agency controlling the drawbridge shall operate the draw as follows:

(1) From 12 midnight to 6 a.m. the draw shall open on signal.

(2) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday the draw need not open for the passage of vessels. This subparagraph does not apply on Federal and Maryland State holidays.

(3) From 6 a.m. to 12 midnight, except from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., the draw shall open on the hour and half hour if any vessels are waiting to pass. This subparagraph does not apply on Federal and Maryland State holidays.

(4) On Federal and Maryland State holidays the draw shall open on signal.

(b) From November 1 through April 30 the owner of or agency controlling the drawbridge shall operate the draw as follows:

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need not open. This subparagraph does not apply on Federal and Maryland State holidays.

(2) At all other times, including Federal and Maryland State holidays, the draw shall open on signal.

(c) The draw shall open at any time for the passage of a public vessel of the United States or for a vessel in an emergency involving danger to life or property. The opening signal is four blasts of a whistle, horn, or by shouting.

Dated: January 19, 1973.

(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))

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

[FR Doc.73-1559 Filed 1-24-73;8:45 am]

[46 CFR Ch. I]

[CGD 72-245P]

CONSTRUCTION REQUIREMENT FOR TANK SHIPS

Advance Notice of Proposed Rule Making

The Coast Guard is considering certain construction standards for pollution abatement for new tank ships which intend to trade within the navigable waters of the United States. The Intergovernmental Maritime Consultative Organization (IMCO) is considering this problem on an international level and the Ports and Waterways Safety Act of 1972 (Public Law 92-340) has directed the Coast Guard to study this problem from the national point of view. The rules which may be proposed are described and discussed in the statement set forth below.

Interested persons may participate in the rule making through submission of written data, views, or comments regarding the proposal to the U.S. Coast Guard (GCMC/82), 400 Seventh Street SW., Washington, DC 20590. Communications should identify the notice number, CGD 72-245P, and the name, address, and organization, if any, of the commentator.

All communications received before March 15, 1973, will be fully considered and evaluated before a Notice of Proposed Rule Making is published. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for receipt of comments.

The Coast Guard in cooperation with the Maritime Administration and the American Institute of Merchant Shipping has nearly completed an extensive study of the effects of requiring tank ships to be capable of carrying sufficient ballast for normal operations without recourse to the use of oil tanks for water ballast.

Although the study has not been entirely completed, and no final conclusions reached, the Coast Guard acting independently is giving consideration to proposing regulations which would require a segregated ballast capability on:

(1) Tank ships delivered after January 1, 1976; and

(2) Tank ships delivered before January 1, 1976, whose building contract is placed and whose construction is begun after January 1, 1974.

The capacity of the segregated ballast tanks would be such as to achieve in the ballast condition of displacement not less than approximately 45 percent of the full load displacement of the ship. This segregated ballast capacity would be achieved in part by fitting, throughout the cargo length, a double bottom of a minimum height of one-fifteenth of the beam.

This height would be necessary for two reasons. First, it would be intended that segregated ballast water be carried in the double bottoms to significantly reduce the problem of intentional discharge of oily ballast at sea. Second, the double bottoms would provide a degree of protection against accidental discharge caused by grounding incidents. Consideration is also being given to requiring that all tankships (new and existing) be capable of retaining oil ballast and other wastes such as tank cleaning residues on board for shoreside disposal. Existing tankships and small new tankships would be permitted to engage in the practice of retention of oil on board (load on top) with specified discharge criteria.

Comment is also invited as to the desirability of applying these proposals to tank barges 300 feet long or more engaged in ocean and coastwise service.

This notice is issued under the authority of: 46 U.S.C. 391a; 49 CFR 1.46(o)(4).

Dated: January 18, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.73-1556 Filed 1-24-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 215]

[Docket No. RSFC-3, Notice 2]

RAILROAD FREIGHT CARS

Prohibited Equipment; Postponement of Hearing

JANUARY 23, 1973.

On November 17, 1972, the Federal Railroad Administration published a notice of proposed rule making (37 FR 24445) to prohibit the use of certain types and models of freight cars and freight car components. The rule making would add provisions to a proposed Part 215 which would establish minimum Federal safety standards for railroad freight cars (37 FR 19821).

Included in the notice on November 17, 1972, was a notice of a public hearing to be held at 10 a.m. on January 25, 1973, in Room 5332, 400 Seventh Street SW., Washington, DC. This hearing was to be the third in a series of hearings

concerning railroad freight cars commencing on January 23, 1973. The first two hearings have been held as scheduled. However, because the President has declared Thursday, January 25, 1973, a National Day of Mourning in memory of President Johnson, the hearing set for that day has been postponed.

The new date, place, and time for the hearing will be Thursday, February 8, 1973, Rooms 5334 and 5336, Nassif Building, 400 Seventh Street SW., Washington, DC, at 10 a.m. Persons who desire to participate at the hearing should refer to the original notice (37 FR 24445) for a brief statement of the rules to be followed at the hearing.

Issued in Washington, D.C., on January 23, 1973.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.73-1649 Filed 1-24-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[No. 72-41]

TRUCK DETENTION AT THE PORT OF NEW YORK

Further Enlargement of Time To File Replies

JANUARY 18, 1973.

Upon request of interested parties, and good cause appearing, time within which replies to Hearing Counsel may be submitted in this proceeding is enlarged to and including February 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1585 Filed 1-24-73;8:45 am]

[46 CFR Part 506]

[Docket No. 72-62]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Regulations To Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade; Extension of Time for Filing Comments

Upon request of interested persons, and good cause appearing, the schedule for filing comments in response to the notice of proposed rule making in this proceeding (37 FR 27638; December 19, 1972) is revised as follows:

Interested persons may file comments on the proposed rules on or before February 14, 1973. Reply comments of Hearing Counsel shall be filed on or before March 5, 1973. Answers to Hearing Counsel's replies shall be filed on or before March 15, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1584 Filed 1-24-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5349]

"PART OF AN ISSUE," "PERSON RESIDENT," AND "DOING BUSINESS WITHIN"

Proposed Definitions

The Securities and Exchange Commission is considering adoption of a proposed rule 147 (17 CFR 230.147) which would define certain terms in, and clarify certain conditions of, § 3(a)(11) of the Securities Act of 1933 (the act). The Commission believes that the proposal would be in the public interest by protecting investors and providing, to the extent feasible, more certainty in determining when the exemption provided by that section of the act is available. Section 3(a)(11) (the intrastate offering exemption) exempts from certain provisions of the act, including the registration requirements of § 5, securities that are part of an issue offered and sold only to persons resident within a single State or territory, if the issuer is a person resident and doing business within that State or territory.

The Commission is aware that there are many public offerings of securities made in reliance on the exemption from registration provided by § 3(a)(11). However, some issuers may not be familiar with the administrative and judicial interpretations of that section, and, therefore, may be relying on it mistakenly. Moreover, the Commission believes that local businesses seeking financing solely from local sources should have objective standards to facilitate compliance with § 3(a)(11) and the registration provisions of the act.

In developing the definitions in, and conditions of, the proposed rule, the Commission has considered the legislative history and judicial interpretations of § 3(a)(11) as well as its own administrative interpretations. The Commission believes that a rule codifying certain of these interpretations will enable issuers to determine with more certainty whether they may use the exemption in offering their securities and will give more assurance that the intrastate offering exemption is used only for the purpose that Congress intended, i.e., local financing of companies primarily intrastate in character.[1]

Persons claiming an exemption pursuant to the proposed rule would have the burden of proving that they had satisfied all of its conditions. However, the proposed rule does not establish exclusive standards for complying with § 3(a)(11). Persons may claim a § 3(a)(11) exemption without complying with the proposed rule if they satisfy the standards set forth in relevant administrative and judicial interpretations of § 3(a)(11) in effect at the time of the transaction.

Proposed rule 147 would only provide an exemption from the registration provisions of § 5 of the Act. It would not provide an exemption from the antifraud provisions of the act or of the Securities Exchange Act of 1934 (Exchange Act) or from the registration and periodic reporting provisions of §§ 12(g) and 13 of the Exchange Act.

Rule 147 is proposed as another step in the Commission's continuing efforts to provide protection to investors and, where consistent with that objective, to add certainty, to the extent feasible, to the determination of when the registration provisions of the act apply. Other recent Commission actions in this regard were:

1. The adoption of rule 144 (17 CFR 230.144) (Securities Act Release No. 5223) (37 FR 599, 4329);

2. The adoption of rule 145 (17 CFR 230.145) (Securities Act Release No. 5316) (37 FR 23631);

3. The announcement of proposed rule 146 (17 CFR 230.146) (Securities Act Release No. 5336) (37 FR 26137).

This notice contains a general discussion of the background, purpose and general effect of the proposed rule to assist in a better understanding of its provisions. A brief analysis of each section of the rule is also included. However, attention is directed to the attached text of the rule itself for a more complete understanding of its provisions.

BACKGROUND AND PURPOSE

Congress, in enacting the Federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these laws, has sought to coordinate and integrate the disclosure system with the exemptive provisions provided by the laws. Proposed rule 147 is a further effort in this direction.

Section 3(a)(11) was intended to allow issuers with localized operations to sell securities as part of a plan of local financing. Congress apparently believed that a company whose operations are restricted to one area should be able to raise money from investors in the immediate vicinity without having to register the securities with a federal agency. In theory, the investors would be protected both by their proximity to the issuer and by State regulation.

The Commission has consistently taken the position that the exemption applies only to local financing provided by local investors for local companies. To satisfy the exemption, the entire issue must be offered and sold exclusively to residents of the State in which the issuer is resident and doing business. An offer or sale of part of the issue to a single non-resident will destroy the exemption for the entire issue.

[1] H.R. Rep. No. 85, 73d Cong., 1st Sess. 6-7 (1933); H.R. Rep. No. 1838, 73d Cong., 2d. Sess. 40-41 (1934).

Certain basic questions have arisen in connection with interpreting section 3 (a) (11). They are:

1. What transactions does the section cover;

2. What is "part of an issue" for purposes of the section;

3. When is a person "resident within" a State or territory for purposes of the section; and

4. What does "doing business within" mean in the context of the section.

The courts and the Commission have addressed themselves to these questions in the context of different fact situations, and some general guidelines have been developed. These guidelines were set forth by the Commission in Securities Act Release No. 4434 (1961) (26 FR 11896) and are, for the most part, reflected in the rule. However, in certain respects, as pointed out below, the rule differs from past interpretations.

THE TRANSACTION CONCEPT

Although the intrastate offering exemption is contained in section 3 of the Act, which section is phrased in terms of exempt "securities" rather than "transactions", the legislative history and Commission and judicial interpretations indicate that the exemption covers only specific transactions and not the securities themselves. The exemption was first enacted as part of section 5 of the Act but was, by amendment to the Act in 1934, moved to section 3 in order to relieve securities dealers of an unintended restriction on their trading activity. The Commission noted in Release 4434, "This amendment was not intended to detract from its essential character as a transaction exemption."

The proposed rule reflects this interpretation of the exemption as a transaction exemption rather than a securities exemption.

THE "PART OF AN ISSUE" CONCEPT

The determination of what constitutes "part of an issue" for purposes of the exemption has been dependent on the facts involved in each case. The Commission noted in Release 4434 that "any one or more of the following factors may be determinative of the question of integration:

"1. Are the offerings part of a single plan of financing;

"2. Do the offerings involve issuance of the same class of security;

"3. Are the offerings made at or about the same time;

"4. Is the same type of consideration to be received; and

"5. Are the offerings made for the same general purpose."

Also, the Commission generally has deemed intrastate offerings to be "integrated", i.e., considered part of the same issue, with those registered or private offerings made by the issuer at about the same time.

The proposed rule does away with the case-by-case determination of what offerings should be integrated and provides, in general, that all securities sold by the issuer, its predecessor, and its affiliates, within any consecutive 6-month period, will be automatically integrated.

THE "PERSON RESIDENT WITHIN" CONCEPT

The object of the exemption, i.e., to restrict the offering to persons within the same locality as the issuer who are, by reason of their proximity, likely to be familiar with the issuer and protected by the State law governing the issuer, is best served by interpreting the residence requirement narrowly. The residence of individuals has usually been considered to mean their domicile rather than a temporary residence. The domicile of an individual must be determined in each instance in accordance with the relevant State law. Business organizations generally have been considered to be residents of the State where they are organized. In addition, the determination of whether all parts of the issue have been sold only to residents can be made only after the securities have "come to rest" in the hands of the investors.

The proposed rule does not substantially change these concepts, but it does abandon the domicile test and attempts to provide more objective standards for determining when a person is considered a resident and when securities have come to rest.

THE "DOING BUSINESS WITHIN" REQUIREMENT

Because the primary purpose of the intrastate exemption was to allow an essentially local business to raise money within its community where the investors would be likely to be familiar with the business and with the management, the doing business requirement has traditionally been viewed strictly. First, not only should the business be located within the State, but the principal or predominant business must be carried on there.[3] Second, substantially all of the proceeds of the offering must be put to use within the local area.[4]

The proposed rule reinforces these requirements by providing specific percentage amounts of business that must be conducted within the State and of proceeds that must be spent in connection with such business. In addition, the proposed rule requires the principal office of the issuer to be within the State.

PROPOSED RULE 147 (17 CFR 230.147)

1. *Introductory note.* There is an introductory note to the proposed Rule which briefly explains its purpose and provisions.

2. *Transactions Covered—Rule 147(a).* Paragraph (a) of the proposed rule provides that offers, offers to sell, offers for sale, and sales of securities that meet the conditions of the Rule will be deemed to be exempt from the Act pursuant to section 3(a) (11). Those conditions are: (1) The issuer must be resident and doing business within the State or territory in which the securities are offered and sold (Rule 147(c)); (2) the offerees and purchasers must be resident within such State or territory (Rule 147(d)); (3) reoffers and resales must be limited (Rule 147(e)); and (4) precautions must be taken against interstate distribution (Rule 147(f)). In addition, the proposed rule defines "part of an issue."

3. *Definition of "Part of an Issue"—Rule 147(b).* Paragraph (b) of the proposed rule defines "part of an issue" of securities for purposes of the rule as all securities of the issuer, its affiliates and predecessors, other than those exempt under section 3(a) of the Act, that are offered or sold by the issuer, its affiliates and predecessors within any consecutive 6-month period. For purposes of the rule, offerings of securities by separate and distinct business enterprises for separate and distinct purposes would not be deemed part of an issue solely because both issuers had the same general partner.

This definition is intended to create greater certainty and to obviate the need for a case-by-case determination of when intrastate offerings should be integrated with other offerings, such as those registered under the Act or made pursuant to the exemption provided by section 4(2) of the Act.

4. *Nature of the Issuer—Rule 147(c)—"Person Resident Within"—Rule 147(c)(1).* Subparagraph (c)(1) of the proposed rule defines the situations in which issuers would be deemed to be "resident within" a State or territory. A corporation, partnership, trust or other form of business organization must be incorporated, organized or established pursuant to the laws of such State or territory. In addition, if a partnership, all the general partners must be resident within such State or territory.

5. *Nature of the Issuer—Rule 147(c)—Doing Business Within—Rule 147(c)(2).* Subparagraph (c)(2) of the proposed rule provides that the issuer would be deemed to be "doing business within" a State or territory in which the offers and sales are to be made if: (1) At least 80 percent of its gross revenues on a consolidated basis during its most recent fiscal year and any subsequent fiscal period were derived from the operation of property located in or from the manufacture of products or rendering of services within the State or territory and at least 80 percent of its assets as at the end of its most recent fiscal quarter are located within such State or territory; (2) it intends to use and does use not less than 90 percent of the proceeds from the sales made pursuant to the rule in such State or territory; and (3) its principal office is located in the State or territory.

These provisions are intended to assure that the issuer is primarily a local business.

6. *Offerees and Purchasers: Persons Resident—Rule 147(d).* Paragraph (d) of the proposed rule provides that offers and sales may be made only to persons resident within the State or territory. An offeree or purchaser of any part of an

[3] Chapman et al. v. Dunn, 414 F. 2d. 153 (6th Cir. 1969).

[4] SEC v. Truckee Showboat, Inc. 157 F. Supp. 824 (S.D. Cal. 1957).

issue would be deemed to be a person resident within the State or territory if such person satisfied the residence standards of subparagraph (c)(1) of the rule, discussed above.

In addition, subparagraph (d)(3) of the proposed rule provides that, with respect to any entity organized for the specific purpose of acquiring securities in an offering, the residence of such entity shall be deemed to be the residence of each of beneficial owners of interest in such entity.

Subparagraph (d)(2) provides that an individual, in order to be deemed a resident, must have his principal residence in the State and must not have any present intention of moving his principal residence to another State.

7. *Limitations on Reoffers and Resales—Rule 147(e).* Paragraph (e) of the proposed rule provides that during the period of the distribution of any part of the issue and for a period of 12 months from the date of the last sale of any part of the issue, reoffers and resales of any part of the issue by any person shall be made only to persons resident within the same State or territory. This is intended to provide objective standards for determining when an issue "comes to rest."

Persons who acquire securities from issuers or affiliates in transactions complying with the rule would acquire unregistered securities that could only be reoffered and resold pursuant to an exemption from the registration provisions of the Act. During the distribution of the securities and for a period of 12 months after the last sale of any part of the issue of such securities, as defined in the rule, such persons could only reoffer or resell their securities pursuant to section 3(a)(11).

The Commission is considering alternatives to the 12-month period, and accordingly, particularly invites comments on this point.

8. *Precautions Against Interstate Distributoins—Rule 147(f).* Paragraph (f) of the proposed rule would require issuers to take steps to preserve the exemption, since any reoffer or resale of any part of the issue to persons resident in another State or territory will, under the Act, be in violation of section 5. The required steps are:

(a) Placing a legend on the certificate or other document evidencing the security stating that the securities have not been registered under the Act and setting forth the restrictions on transferability of the securities;

(b) Issuing stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, making a notation in the appropriate records of the issuer;

(c) Disclosing the restrictions on reoffer and resale in writing to the person to whom any part of the issue is offered or sold;

(d) Obtaining a written representation from each purchaser as to his residence.

Proposed Operation of Proposed Rule 147

If the proposed rule is adopted, it would operate prospectively only. The staff would issue interpretative letters to assist persons in complying with the new rule, but would not issue "no-action" letters in regard to transactions in reliance on section 3(a)(11) outside the rule.

The rule, if adopted, would be a nonexclusive rule. However, persons who chose to rely on section 3(a)(11) without complying with all the conditions of the rule would have the burden of establishing that they had complied with the judicial and administrative interpretations of section 3(a)(11) in effect at the time of the offering.

The Commission wants to emphasize that the exemption provided by section 3(a)(11) is an exemption from the registration provisions of the Act only. The civil liability provisions of section 12(2) and the antifraud provisions of section 17 of the Act and of section 10(b) of the Securities Exchange Act of 1934, are applicable to transactions exempted pursuant to section 3(a)(11).

In view of the objectives and policies underlying the Act, the rule will not be available to any individual or entity with respect to any transaction which, although in technical compliance with the provisions of the rule, is part of a plan by such individual or entity to sell or resell securities of a local issuer to nonresidents of the State in which the issuer does business. In the event such sale or resale takes place, registration would be required. In addition, any plan or scheme that involves a series of offerings by affiliated organizations in various States may, even if in technical compliance with the rule, be outside the parameters of the rule and of section 3(a)(11).

Commission action: Pursuant to authority in sections 3(a)(11), 5 and 19(a) of the Securities Act of 1933, as amended, the Securities and Exchange Commission proposes to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereunder new section 230.147 as set forth below:

§ 230.147 "Part of an Issue," "Person Resident," and "Doing Business Within" for Purposes of Section 3(a)(11).

Section 3(a)(11) of the Securities Act exempts transactions in "any security which is part of an issue offered and sold only to persons resident within a single State or territory, where the issuer of such security is a person resident and doing business within * * * such State or territory." As the Commission observed in Securities Act Release 1459 (1937) (Do.), the legislative history suggests that the exemption was intended to apply only to issues "which in reality represent local financing by local industries, carried out purely through local purchasing." Section 230.147 is intended to provide more objective standards for those issuers who wish to comply with the conditions of the exemption. All of the conditions of the section must be satisfied in order for the section to be available. These conditions are that the issuer be a resident of and doing business within the State or territory in which offers or sales are made, that no part of the issue be offered or sold to nonresidents for a period of time after distribution of the issue. The section defines "part of an issue," "resident," and "doing business within." Persons claiming the protection of the section have the burden of proving that they have satisfied all of its conditions. The proposed section does not establish exclusive standards for complying with § 3(a)(11). Persons may claim a § 3(a)(11) exemption without complying with the proposed section if they satisfy the standards set forth in relevant administrative and judicial interpretations in effect at the time of the transaction, but they have the burden of proving its availability.

(a) *Transactions covered.* Offers, offers to sell, offers for sale, and sales by an issuer of its securities shall be deemed to be part of an issue offered and sold only to persons resident within a single State or territory where the issuer is a person resident and doing business within such State or territory within the meaning of § 3(a)(11) of the act if all of the conditions of the section are satisfied.

(b) *Part of an issue.* For purposes of the section, all securities, other than those exempt pursuant to § 3(a) of the act, of the issuer, its affiliates, and predecessors, offered, offered for sale, or sold by the issuer, its affiliates and predecessors within any consecutive 6-month period shall be deemed to be part of the same issue; *Provided, however,* That securities offered, offered for sale, or sold by a person which is a business enterprise separate and distinct from the issuer and which is affiliated with the issuer solely by reason of the existence of a common general partner, shall be deemed not to be a part of such issue.

(c) *Nature of the issuer.* The issuer of the securities shall be a person resident and doing business within the State or territory in which the offers, offers to sell, offers for sale, and sales are made.

(1) *Person resident.* The issuer shall be deemed to be a resident of such State or territory if:

(i) A corporation, trust, or other form of business organization, other than a partnership, it is incorporated in or organized under the laws of such State or territory;

(ii) A partnership, it is organized under the laws of such State or territory and all of its general partners are residents of such State or territory.

(2) *Doing business within.* The issuer shall be deemed to be doing business within a State or territory of:

(i) The issuer derived at least 80 percent of its gross revenues on a consolidated basis during its most recent fiscal year and subsequent 3-, 6-, or 9-month period, from the operation of property located in or from the manufacture of

products or rendering of services within such State or territory, and has, as at the end of its most recent fiscal quarter, at least 80 percent of its assets within such State or territory;

(ii) The issuer intends to use and uses at least 90 percent of the proceeds from sales made pursuant to this rule in connection with the operation of a business or purchase of real property located in, or rendering of services within, such State or territory; and

(iii) The principal office of such organization is located within such State or territory.

(d) *Offerees and purchasers: Person resident.* Offers, offers to sell, offers for sale, and sales shall be made only to persons resident within the State or territory of which the issuer is a resident.

(1) A corporation, partnership, trust, or other form of business organization shall be deemed to be a resident of a State or territory if it meets the residence conditions set forth in paragraph (c)(1) as to issuers.

(2) An individual shall be deemed to be a resident of a State or territory if such individual has, at the time of the offer and sale, his principal residence in the State or territory and has no present intention of moving his principal residence to a different State or territory.

(3) In any case in which a corporation, partnership, trust, or other form of business organization is organized for the specific purpose of acquiring part of an issue offered pursuant to § 3(a)(11), the residence of such organization shall be deemed to be the residence of each of the beneficial owners of any interest in such organization.

(e) *Limitation on reoffers and resales.* During the distribution of any part of the issue and for a period of 12 months from the date of the last sale of securities which are any part of that issue, all reoffers, reoffers for sale, and resales of any part of the issue, by any person, shall be made only to persons resident within such State or territory.

(f) *Precautions against interstate distributions.* The issuer shall, in connection with any securities offered or sold pursuant to this section:

(1) Place a legend on the certificate or other document evidencing the security stating that the securities have not been registered under the act and setting forth the restrictions on transferability of the securities;

(2) Issue stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, make a notation in the appropriate records of the issuer;

(3) Disclose the restrictions on reoffer and resale in writing to the person to whom the issue is offered and sold;

(4) Obtain a written representation from each purchaser as to his residence.

All interested persons are invited to submit their views and comments on the proposed rule 147 to Richard H. Rowe, Associate Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 15, 1973. Such communications should refer to File No. S7-472. All such communications will be available for public inspection.

(Secs. 3(a)(11), 5, 19(a), 48 Stat. 75, 77, 85; secs. 202, 203, 209, 48 Stat. 906, 908; secs. 5, 6, 68 Stat. 684; sec. 12, 78 Stat. 580, 15 U.S.C. 77(c)(11), 77(e), 77(s)(a))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 8, 1973.

[FR Doc.73-1517 Filed 1-24-73;8:45 am]

Notices

DEPARTMENT OF STATE

[Public Notice CM-4]

ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, February 2, 1973, in Conference Room 1207 at the Department of State, beginning 9 a.m. The members will continue discussion of a study of Commission organization and procedures now under review. For purposes of building security, anyone wishing to attend must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

JANUARY 16, 1973.

[FR Doc.73-1340 Filed 1-24-73;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 13]

FINANCIAL INDEMNITY 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 $501,000.00 has been established for the company.

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

Financial Indemnity Company
Los Angeles, California
California

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: January 18, 1973.

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

[FR Doc.73-1538 Filed 1-24-73;8:45 am]

Internal Revenue Service

TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY TO POLITICAL PARTIES

Notice of Hearing

A notice giving interested persons the opportunity to submit written comments or suggestions and to request a public hearing relating to the tax treatment of contributions of appreciated property to committees of political parties appeared in the FEDERAL REGISTER for Thursday, October 19, 1972 (37 FR 22427).

A public hearing on the matters contained in the notice will be held on Thursday, March 1, 1973, beginning at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202—964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions by January 5, 1973, and who desire to present oral comments at such hearing should by February 15, 1973, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by February 22, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.00.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.73-1599 Filed 1-23-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to 21 U.S.C. 874, the Bureau of Narcotics and Dangerous Drugs (Bureau) will convene a meeting of its Research and Development Advisory Committee) on Monday, January 30, 1973.

In accordance with section 13(d) of Executive Order 11671 (dated June 5, 1972, released June 6, 1972), I have determined that because the activities of the Committee are analogous to those recognized in 5 U.S.C. 552(b)(7), in that they relate to the continued development of the investigative and enforcement capabilities of the Bureau, they should be withheld from disclosure. Accordingly, the meeting will not be open to the public.

Dated: January 19, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-1596 Filed 1-24-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4761]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 18, 1973.

The Forest Service, U.S. Department of Agriculture, has filed application Serial No. R 4761 for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights.

Prior to the filing of the proposed withdrawal application, these lands were open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining in order to assure that the lands will remain in Federal ownership and to prevent activities adverse to public recreation uses.

On or before February 27, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land

Management, U.S. Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Granite Creek Recreation Area

T. 4 S., R. 25 E.,
Sec. 31, N½NE¼SE¼SE¼, E½NE¼SE¼, E½W½NE¼SE¼, W½SE¼NE¼, W½E½SE¼NE¼, unsurveyed;
Sec. 32, W½SW¼SW¼, W½E½SW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, W½NW¼NW¼SW¼, unsurveyed.

Soldier Meadow Recreation Area

T. 4 S., R. 25 E.,
Sec. 32, S½SE¼NE¼, S½N½SE¼NE¼, E½E½SE¼SW¼NE¼, E½SE¼NE¼SW¼NE¼, unsurveyed.

The areas described aggregate 148.75 acres in Madera County, Calif.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73–1513 Filed 1–24–73;8:45 am]

[N.M. Misc. 21]

NEW MEXICO

Order Opening Lands To Entry

JANUARY 19, 1973.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 10 E.,
Sec. 12, E½E½W½.
T. 29 N., R. 11 E.,
Sec. 7, lots 3, 4, E½SW¼ and W½SE¼.
T. 31 N., R. 11 E.,
Sec. 8, W½NE¼, SE¼NE¼, NW¼ and S½;
Sec. 17, N½ and NE¼SE¼.
T. 3 N., R. 3 W.,
Sec. 10, W½W½.
T. 1 N., R. 17 W.,
Sec. 29, W½SW¼;
Sec. 32.
T. 15 N., R. 11 W.,
Sec. 6;
Sec. 8, N½, N½S½, S½SW¼ and SE¼SE¼.
T. 28 S., R. 9 W.,
Sec. 36.
T. 29 S., R. 9 W.,
Sec. 2.
T. 27 S., R. 10 W.,
Sec 19, lots 1, 2, 3, 4, E½NE¼, SW¼NE¼, E½W½ and SE¼.
T. 1 S., R. 17 W.,
Sec. 6, lots 1, 2, 3, 4, 6, 7 and 8.
T. 1 S., R. 18 W.,
Sec. 2, lots 5 to 12, inclusive, and S½;
Sec. 3, SW¼SW¼;
Sec. 8, NE¼;
Sec. 10, N½NE¼, NW¼ and N½SW¼;
Sec. 15, S½NW¼, NW¼SW¼ and S½SW¼;
Sec. 18, lots 3, 4 and SE¼SW¼;
Sec. 19, lot 1, E½ and E½NW¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼;
Sec. 27, S½SW¼;
Sec. 28, E½, NE¼SW¼ and S½SW¼;
Sec. 29, SE¼SE¼;
Sec. 30, lot 4, E½ and E½SW¼;
Sec. 31, lots 2, 3, 5, 6, 7, NE¼, E½NW¼, NE¼SW¼ and N½SE¼.
Sec. 33, lots 2, 3, 4, N½ and N½SW¼;
Sec. 34, NW¼.
T. 23 S., R. 18 W.,
Sec. 26, E½SE¼;
Sec. 35, N½NE¼ and E½NW¼.
T. 24 S., R. 18 W.,
Sec. 26, E½;
Sec. 33, E½NE¼.
T. 16 S., R. 17 E.,
Sec. 13, W½;
Sec. 24, W½;
Sec. 25.
T. 17 S., R. 17 E.,
Sec. 12, W½W½;
Sec. 13, W½W½ and SE¼SW¼;
Sec. 24, W½.
T. 16 S., R. 18 E.,
Sec. 20, lots 2, 3, 4, SE¼NW¼ and NW¼NE¼SW¼.

The areas described contain 12,829.30 acres, more or less in Catron, Chaves, Lincoln, Luna, McKinley, Otero, Socorro, and Taos Counties.

2. The topography of the lands described above varies from moderately rolling to rougher badlands and some mountainous and rough broken terrain created by intermittent drainages. Soils vary from sandy, clayey loams to shallow and rocky soils with moderate size boulders. Vegetation consists of native grasses, snakeweed, Spanish dagger, yucca, prickly pear cacti, creosote bush and pinion, and juniper trees.

3. Subject to valid existing rights the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on March 12, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land described as W½W½ Section 10, T. 3 N., R. 3 W., N. Mex. Prin. Mer., shall also be open to applications and offers under the mineral leasing laws and to locations and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on March 12, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to Technical Services Manager, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Acting Technical Services Manager, Division of Technical Services.

[FR Doc.73–1545 Filed 1–24–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

DOMESTIC ANIMAL DEALERS

List of Licensed Dealers

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89–544), as amended by the Animal Welfare Act of 1970 (Public Law 91–579) (7 U.S.C. 2131 et seq.), the following dealers were licensed under said Act and regulations as indicated below:

ALABAMA

Aquarium Pets, Inc., 2761 Springhill Avenue, Mobile 36607.
James C. and Opal K. Bagwell, Route 1, Box 18C, Trinity 35673.
Bel Air Pet Shop, Inc., 3242 Bel Air Mall, Mobile 36606.
Paul E. Campbell, doing business as Pet Safari, No. 6 80th Street, Birmingham, 35206.
G. R. Floyd, Route 1, Box 235D, Irvington 36544.
Perron C. Mayo, doing business as Pets Unlimited, 200 Beech Circle, Mountain Brook 35213.
Neptune's Corner Pet Shop, 306 North Gay Street, Auburn 36803.
Mrs. Robert Sobieske, doing business as Char-ol's Pet Center, 2607 Sparkman Drive, Huntsville 35810.
Western Hills Pet Center No. 202, Inc., 30 Western Hills Mall, Fairfield 35064.
Mrs. Carl White, doing business as Alaquatics Pet Centers, 2619 Avenue F, Ensley, Birmingham 35218.

ARIZONA

Frank and Sydney DeWalt, partners, doing business as My Pet Shop, 910 West Hatcher Road, Phoenix 85021.

Docktor Pet Center, 1391 North Scottsdale Road, Scottsdale 85257.
Gompers Rehabilitation Center, 7211 North Seventh Street, Phoenix 85020.
Mr. and Mrs. H. D. Risinger, doing business as Jungle Park Pet Shop, 6246 North Seventh Street, Phoenix 85014.
Jerry Shuman, doing business as My Pet Shop, 910 West Hatcher Road, Phoenix 85021.
Southwestern Scientific Co., Tucson International Airport, Tucson 85706.
Thomas R. Taylor, doing business as Arizona Reptiles, 1216 North Scottsdale Road, Tempe 85281.

ARKANSAS

James R. Bias, doing business as Bias Kennels, 1120 Stagecoach Road, Little Rock 72204.
Ellis Chatterton, doing business as Hillside Kennels, Delmar Star Route, Harrison 72601.
Marvin Criner, Box 325, Harrison 72601.
Don Guthrie, doing business as Small Stock Industries, Post Office Box 157, Pea Ridge 72751.
Holco, Inc., Post Office Box 186, Fayetteville 72701.
Marge Miller, doing business as Ma-Ha Kennels, Box 111, Route N, Yellville 72687.
Pel-Freez Bio-Animals, Inc., Post Office Box 68, Rogers 72746.
Ray Robison, doing business as Bryant Cove Kennels, Route 1, Casa 72025.
Curtis T. Striegler, doing business as Flint Ridge Kennel, Route 2, Fayetteville 72701.
Otis Whiteaker, Route 5, Calico Rock 72519.

CALIFORNIA

P. M. Beekhof, doing business as Redwood Rabbitry, 700 Olive Springs Road, Santa Cruz 95060.
CAL-Luminum, Inc., Lake Nala Ranch, 48500 Twin Pines Road, Banning 92220.
Nancy A. Clark, doing business as Clark's Cavies, 3487 Walton Way, San Jose 95117.
Rose Coury, doing business as Golden West Kennels, 343 Goodwin Road, Modesta 95351.
Dr. Laszlo deBorondy, doing business as Casa de Pets, Post Office Box 1663, Studio City 91604.
Denio's Roseville Farmers' Market and Auction, Inc., Post Office Box 999, Roseville 95678.
Louis Goebel and Son, Inc., Tehachapi 93561.
Horton Laboratory Animals, Inc., 20151 Thompson Road, Los Gatos 95030.
Chet Juszyk, 2591 Los Feliz Drive, 1000 Oaks 91360.
Bill J. King, doing business as Big Pine Rabbitry, 19174 Panorama Drive, Saratoga 95070.
Henry K. Knudsen, 12488 South Highway 50, Lathrop 95330.
Mary Leahy, doing business as Alton Research Ranch, 2635 Alton Lane, Santa Rosa 95401.
Donald R. Miller, doing business as Rancho De Conejo, 1345 Sunset Drive, Vista 92083.
Simonsen Laboratories, Inc., 1180C Day Road, Gilroy 95020.
Glen R. and Hazel M. Trent, 506 Fairland Avenue, Modesto 95351.
University of Southern California, 2011 Zonal Avenue, Los Angeles 90033.

COLORADO

Wilbur R. Adams, Route 3, Box 309, Fort Collins 80521.
Steven J. Bjork, doing business as Pampered Pets, 4230 Easley Road, Golden 80401.
Francis F. Broman, doing business as Mile-Hi Rabbitry, 1255 Youngfield, Golden 80401.
Mrs. Amos Burton, doing business as Harmony Kennels, Route 2, Haxtun 80731.
Barbara Cleveland, Route 1, Box 89, Peetz 80747.
Marie L. Freemyer, doing business as High Plains Kennels, Haxtun 80731.
Linda S. Gardiner, Route 1, Peetz 80747.
Harley E. and Leota F. Golden, doing business as Har-Lee's Parade of Pets, 130 South Cleveland Avenue, Loveland 80537.
Edgar S. and Geraldine Guerin, Route 3, Sterling 80751.
Haystack Mountain Pet Barn, Post Office Box 129, Niwot 80544.
Birdie Belle Helmut, Route 2, Merino 80741.
William B. Huey, doing business as Valley Kennels, Route 1, Box 6, Iliff 80736.
Thelma L. Hunt and Velma J. Rigel, Route 3, Sterling 80751.
Mrs. Thelma Morgan, doing business as Poudre Valley Rabbitry Supply, 7632 North Taft Hill Road, Fort Collins 80521.
Frank W. Morris, doing business as Frank's Seed and Hatchery, 709 10th Street, Fort Collins 80631.
Mrs. W. H. Morris, 1229 U.S. 287 North, Fort Collins 80521.
S. G. Munson, doing business as Safari Pet Shop, 740 South Soshone, Denver 80223.
David L. Perkins, doing business as Perk's Mile Hi Rabbitry, 3461 West Gill Place, Denver 80219.
Pet Palace West, Inc., 12280 W. Center, Lakewood 80228.
Lew and Andrea Sindt, Peetz 80747.
Herbert Spear, doing business as Spear Kennel, Burdette Route, Akron 80720.
Mrs. Clark R. Starkebaum, doing business as Strongtree Kennel, Rural Route, Haxtun 80731.
John Stolns, Bennett 80102.
Ted V. Jr., and Hazel P. Stonemets, 2220 North Highway 287, Fort Collins 80521.
Mary and Veryl Storey, doing business as M and M Kennels, Star Route, Hugo 80821.
Alice Turvey, doing business as Turvey's Kennel, Eckley 80727.
Twin Lakes Aquarium, Inc., 2201 South Wabash Street, Denver 80222.
Ansel E. Walters, doing business as Pet Ranch, 12725 West Bellview, Littleton 80120.
William Wellert, doing business as New Englewood Pet Shop, 5550 South Sherman Street, Littleton 80121.
Joe and Jerry Wernsman, Fleming 80728.
Larry Wernsman, Rural Route 1, Fleming 80728.
Delbert D. Wolff and Randolph Dickerson, doing business as Wolff and Dickerson Kennel, 341 North Wallace, Haxtun 80731.

CONNECTICUT

Joseph Bagliore, doing business as Montowese Rabbitry, 61 Quinnipac Avenue, New Haven 06473.
Mrs. Margaret T. Barkal, doing business as Craig's Catch, 1847 Poquonock Avenue, Poquonock 06064.
Paul R. Boardman, doing business as Wallingford Laboratory Animals, 14 Schoolhouse Road, Wallingford 06492.
DGH Corp, doing business as Scuffy Pet Center, 25 Hazard Avenue, Enfield Mall, Enfield 06082.
Docktor Pet Center, Connecticut Post Shopping Center, Milford 06460.
Robert A. Dubois, doing business as Hammer Hill Rabbitry, Post Office Box 122, Thompson 06277.
George Geoffrey, doing business as Animal Isle, New London Shopping Center, South Service Road, New London 06320.
Hertzler Enterprises, Inc., doing business as Mt. Hope Rabbitry, Box 98, Mansfield Center 06250.
Bernadette and Joseph LeClerc, doing business as J and B Rabbitry, Rural Free Delivery 1, Thompson Road, Thompson 06277.
Samuel S. Martino, Jr., doing business as Animal World of Connecticut, 214 Long Hill Road, South Windsor 06074.
Puppy Center Enterprises, Inc., 321 Ellis Street, New Britain 06053.
Delphis J. and Claire E. Rock, Church Street, Rural Free Delivery 2, Putnam 06260.
Frances Samolis, doing business as Samolis's Rabbitry, 236 Yale Street, Waterville 06714.
Douglas J. Godfrey, doing business as Stony Hill Pet Center, Route 6, Danbury-Newton Road, Bethel 06801.
Conrad and Sylvia Theis, doing business as White Rock Farms, Rural Free Delivery 4, Colchester 06415.
Elizabeth W. Todd, doing business as Birchwood Kennels, 551 Skokorat Road, Beacon Falls 06403.
Dr. Howard O. Weber, Post Office Box 484, Simsbury 06070.
Wild Cargo Pet Shops, Inc., 1139 Tolland Turnpike, Manchester 06040.

DELAWARE

Docktor Pet Center No. 275, Blue Hen Mall, Dover 19901.
Hazel-Del Farms, Inc., Rural Free Delivery 1, Box 168-B, Hartly 19953.
B. J. Hoy 5 & 10¢ Stores, Inc., 700 Wilmington Road, New Castle 19720.
R. Whitely Jewell, Post Office Box 46, Milford 19963.
Franklin P. McVey and Woodrow E. Jones, partners, doing business as Graylyn Pet Shop, 1731 Marsh Road, Wilmington 19810.
North Philadelphia Pet Center No. 29, trading as Docktor Pet Center No. 26, 1 Concord Mall, Wilmington 19803.

DISTRICT OF COLUMBIA

Capitol Pet Shop, Inc., 931 H Street NW., Washington 20001.
Southeast Pet Shop, Inc., 631 Pennsylvania Avenue SE., Washington 20003.

FLORIDA

Robert Emil Baudy, doing business as Rare Feline Breeding Compound, Box 132, Center Hill 33514.
Charles P. Chase Co., Inc., 7330 Northwest 66th Street, Miami 33166.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Docktor Pet Center No. 245, 247 Westshore Plaza, Tampa 33609.
Guppies 'n Puppies, Ltd., Inc., 2199 Northwest 53d Street, Fort Lauderdale 33304.
A. A. Paré, doing business as Gators of Miami, Inc., 5500 Northwest 74th Avenue, Miami 33166.
Pet Farm, Inc., 7200 Northwest 41st Street, Miami 33166.
Dr. James A. Porter, Jr., doing business as South American Primates, 15315 Southwest 82 Court, Miami 33157.
Ina N. Roe, 11131 59th Street North, Pinellas Park 33565.
Research Livestock Labs, Inc., Post Office Box 1643, North Miami 33161.
Rider Animal Co., Inc., Rural Route 2, Box 515, Brookesville 33512.
Ross Socolof Farms, Inc., Post Office Box 1321, Bradenton 33505.
Tampa Livestock Distributing Co., Inc., Post Office Box 22007, Tampa 33622.
Tarpon Zoo, Inc., Post Office Box 847, Tarpon Springs 33589.
Frank M. Thompson and Associates, Inc., 5704 First Avenue NW., Bradenton 33505.

IDAHO

Curtis and Elinor Adams, 2115 N. Eighth Street, Coeur d'Alene 83814.
M. Carol Ferdinand, doing business as Ferdinand Zoo and Animal Farm, Inc., Post Office Box 303, Nampa 83651.
Lewis-Clark Animal Shelter, Inc., Post Office Box 804, Lewiston 83501.
Everett and Velma Meeks, Route 2, Post Falls 83854.

Stella Pippard, Route 1, Box 36, Athol 83801.
Jerry and Ginger White, doing business as White's Wabbet Wanch, Box 193, Kootenai 83840.

ILLINOIS

Animal Kingdom, Inc., 2980 Milwaukee Avenue, Chicago 60618.
Mr. and Mrs. Gerald E. Bean, doing business as Jeri-Elen Kennels, Route 7, Mt. Vernon 62864.
Harry G. Becker, doing business as Becker Kennels, Rural Route 2, Box 15, Edwardsville 62025.
Dr. F. W. Boebel, doing business as Sleepy Hollow Cattery and Kennel, Route 2, Box 73, Mundelein 60060.
Bob Bolin, doing business as Bolin Game Farm, Route 1, Box 114, Kankakee 60901.
Avery Brabender, doing business as Brabender Small Stock Farm, Route 2, Box 327B, Antioch 60002.
Richard Brackensick, Rural Route 1, Loraine 62349.
Oscar V. and Alice B. Calanca, partners, doing business as Calanca's Beagles, Rural Route 1, Box 175, Grayslake 60030.
Ruth and Ralph Colburn, doing business as Standard, 919 East Wood Street, Decatur 62521.
Ray E. Corrigan, Rural Route 2, Mendon 62351.
Chicago Bird and Cage Co., 2605 South Clearbrook Drive, Arlington Heights 60005.
Edythe J. Daniels, doing business as Daniels Kennels, Rural Route 2, Colchester 62326.
Della F. Fry, 108 North Eighth Street, Mt. Vernon 62864.
General Biological, Inc., 8200 South Hoyne Avenue, Chicago 60620.
General Foods Corp., Rural Route 3, St. Anne 60964.
Jesse Hale, 1340 Walnut, Carthage 62321.
Harold and Jeanne Zimmerman, doing business as Honey do Rabbitry, Rural Route 2, Winslow 61089.
Mr. C. Householder, doing business as Rickis Fishery, 805 Payson Avenue, Quincy 62301.
T. R. and Janet M. Huston, doing business as Bo-Jan's Kennel, Box 236, Hanna City 61536.
International Scientific Industries, Inc., 1818 Crystal Lake Road, Cary 60013.
Thomas E. Issacs, doing business as Issacs Lab Stock, 1011 N. Walnut Street, Litchfield 62056.
Louise Jackson, doing business as Jackson Kennel, Rural Route 4, Macomb 61455.
Mr. and Mrs. O. A. Jones, doing business as Jones Kennels, Rural Route 1, Quincy 62301.
Delbert Kaiser, Route 1, Pana 62557.
Harvey Kaiser, Rural Route 1, Pana 62557.
Robert E. Keller, Route 3, Box 505, Decatur 62526.
Wibert Kerchner, 1107 1st Avenue, Mendota 61342.
James H. and Esther King, Route 2, Pana 62557.
Kraftco Corp., 801 Waukegan Road, Glenview 60025.
Donna Letman, 108 Sioux Street, Carpentersville 60110.
Ray McDuffy, 505 East Pinzon Street, Tuscola 61953.
Margaret M. McKay, doing business as Colonial Kennels, Rural Route 1, Quincy 62301.
Mid-State Aquarium & Pet Supply, Inc., 2022 West Lincoln Avenue, Peoria 61605.
Midwest Aquarium, Inc., 639 North Thomas Drive, Bensenville 60106.
Paul P. Mills, doing business as Mills Dog & Gun Auction, 330 Cedar Street, Warsaw 62379.
James Morgan, doing business as Morgan's Rabbitry, Route 1, Box 147, Cullom 60929.
Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.
Mundelein Florists, Inc., 615 South Lake Street, Mundelein 60060.
Omis Beagle Kennels, doing business as Omis Corp., 8438 Elevator Road, Roscoe 61073.
Edward M. Patronik, doing business as Eddie's & Jerry's Pet Shop, 11037 South Vernon, Chicago 60628.
Merle M. Pepper, Rural Route 2, Danville 61832.
Bertha Peterson, 801 Greenwood, Waukegan 60085.
Research Industries Corp., Post Office Box 97, Route 1, Monee 60449.
Virginia Romines, doing business as Romines' Dog Salon, Rural Route 1, Kings 61045.
Mrs. Helen Rumple, doing business as Maple Hill Kennels, Route 1, Griggsville 62340.
Ben Sanchez, doing business as Ben's Puppyland, 405 Reeder Street, Elburn 60119.
Scientific Small Animal Lab & Farm, Inc., 410 West Golf Road, Arlington Heights 60005.
Nellie Shadowen, Route 3, Benton 62812.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Rebecca S. Tuttle, 331 North Stephens, Springfield 62702.
Lewis M. Warren, Box 125, Pana 62557.
Warsaw Coonhunters Assn., 335 Cedar Street, Warsaw 62379.
Wedge's Creek Research Farm, Industrial BIO-TEST Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Donald C. Weiss, Rural Free Delivery 1, Highland 62249.
Porter W. Wilson, Rural Free Delivery Marietta 61459.
Ernest J. Williams, doing business as Tower Kennel, Rural Route 3, Tower Road, Freeport 61032.
Mrs. Patricia Wright, Rural Route 1, El Paso 61738.

INDIANA

Howard Bayne, doing business as Clifty Acres, Route 2, Hanover 47243.
Mrs. Ruth Beard, Route 1, Economy 47339.
James and Patricia Bridwell, doing business as Aquatic Acres Aquarium and Kennels, Rural Route 1, Box 231, Mooresville 46158.
Elmer and Bessie Carter, Post Office Box 264, Martinsville 46151.
Mr. and Mrs. Donald Coval, doing business as Pin Oak Farm, Rural Route 3, Box 293, Sheridan 46069.
Virgil D. Davis, Box 232, New Salisbury 47161.
Mildred DeWees, doing business as Westside Aquarium, 627 Louise Street, Anderson 46011.
Engle Laboratory Animals, Inc., Rural Route 2, Farmersburg 47850.
Robert A. Everett, doing business as Oakdale Farm and Kennel, Route 5, Decatur 46733.
Fort Wayne Pet Center, Inc., doing business as Docktor Pet Center No. 257, Southtown Mall, Fort Wayne 46819.
James E. France, doing business as J and J Aquarium, 527 Madison Avenue, Anderson 46016.
Mrs. Paul Hamm, doing business as Paul Hamm Rabbitry, Rural Route 4, Box 331, Greenwood 46142.
Lowell E. Iliff, Post Office Box 191, Knightstown 46148.
Kuipers Rabbit Ranch, 5317 West 41st Street, Gary 46408.
Lafayette Square Pet Center, doing business as Docktor Pet Center No. 56, Lafayette Square, Indianapolis 46254.
Robert M. Miller, doing business as Miller's Kennels, Route 6, Box 80, Rushville 46173.
Murphy Breeding Laboratories, Inc., Rural Route 2, Box 416, Plainfield 46168.
James E. Nicely Rabbitry, Rural Route 3, Box 249, Greenfield 46140.
Paul E. Riester, Route 1, Bicknell 47512.
Norma G. and Neil Thompson, doing business as Speedway Pet Shop, 3566 West 16th Street, Speedway 46222.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 65, Vincennes 47591.
Alton S. Windsor, doing business as Windsor Biology Gardens, Post Office Box 1210, Bloomington 47401.
Mel Turner and Paul Zimmerman, doing business as G and M Pet and Garden Center, Inc., 615 North Mulberry, Muncie 47305.
Harry K. Zook, doing business as Maple Hill Kennel, Box 354, Morgantown 46160.

IOWA

George V. and Minnie C. Adams, doing business as Adams Kennel, Route 2, Melrose 52569.
Doris M. Ahrenkiel, Rural Route 1, Box 320, Allerton 50008.
Iris Andeway, Piano 52581.
Henry Bahndorf, Route 1, Box 163, East Amana 52203.
Mr. and Mrs. Brainerd Billup, Rural Free Delivery 1, Cantril 52542.
Albert R. Blackstock, Route 1, Chariton 50049.
Henry F. Bockenstedt, Route 1, Earlville 52041.
Mrs. William Bostwick, Route 1, Numa 52575.
Brinkmeyer and Rayner, doing business as Goodeland Kennels, New London 52645.
Dr. D. L. Brinkmeyer, doing business as Dibiandale Kennels, 416 Newland Street, New London 52645.
Richard Bruxvoort, Rural Route 1, Mitchellville 50169.
Mrs. John Burnett, Rural Route 2, Knoxville 50138.
Bill and Marjorie Bussey, Bussey 50044.
Clifford and Lillian Carmichael, doing business as Lookcee Kennel, Route 1, Emerson 51533.
Dick Carner, Rural Route, Osceola 50213.
Charles S. Cooper, doing business as Cooper Kennels, Post Office Box 117, Mystic 52574.
Mrs. Rilla Creighton, doing business as Ro-De Kennel, Oakville 52646.
Daniel R. Day, Box 264, Allerton 50008.
Herbert De Bok, Rural Free Delivery 1, Russell 50238.
Mrs. Charles DeFosse, Rural Free Delivery 2, Mediapolis 52637.
Mrs. Ruby Dueling, Route 1, Box 325, Allerton 50008.
Betty Jean Ellis, Rural Free Delivery 2, Mount Pleasant 52641.
Mona M. Evans, Box 39, Lucas 50151.
Dan Exline, 606 West State, Centerville 52544.
Jack W. Exline, doing business as Oak Point Kennel, Rural Free Delivery 2, Centerville 52544.
Larry Weslie Exline, 642 North Seventh Street, Centerville 52544.
Mrs. Otto Exline, Rural Route 2, Centerville 52544.
Earl Fox, Jr., Rural Route 3, Forest City 50436.
Josephine Fox, doing busines as Fox's Forbush Kennels, Route 3, Centerville 52544.
Clarence Godden, Route 1, Box 11, Corydon 50060.
Donald Greenlee, Rural Route 2, Humeston 50123.
Henry H. Hainline, Route 1, Creston 50801.
Mary G. Harris, doing business as Marycrest Kennel, Grand River 50108.
Mrs. Ruth Harris, Grand River 50108.
Frank L. and Nellie V. Heckman, Rural Route 2, Centerville 52544.
James L. Henderson, Route 5, Highway 20 West, Cedar Falls 50613.
Bessie Hexenbaugh, Piano 52581.
Coralee Hull, Route 1, Weldon 50264.
Dave Irving, Route 1, Chariton 50049.
Lela Judge, doing business as Judge's Kennel, Moravia 52571.

Mrs. Kenneth C. Johnson, Rural Route 2, Albia 52531.
Wendell and Claudean Keeton, Route 3, Albia 52531.
Arden Keller, Humeston 50123.
Mary M. and Rodnie Kelley, Kellerton 50133.
Noman J. Kerley, doing business as Chinuk Kennels, Route 1, 6311 Waverly Road, Cedar Falls 50613.
Florence Kling, Rural Route 1, Stanton 51573.
Clifford K. Koele, Box D, Hull 51239.
Henry Langstraat, Jr., Rural Route 1, Otley 50214.
Evelyn Lee, doing business as Lee's Kennel, 106 Lee Street, Seymour 52590.
LeRoy M. Long, doing business as Double L. Kennel, Rural Free Delivery 4, Box 112, Indianola 50125.
Wilmer L. Lyons, Route 1, Exline 52555.
Mrs. O. J. Mayfield, Jr., doing business as Maycroft Kennels, Route 1, Charles City 50616.
Mrs. Cyril McDanel, Moravia 52572.
Howard McKinley, Rural Route 1, Russell 50238.
Mrs Lucille Morrison, Rural Route 1, Grand River 50108.
Mrs. M. C. Morrison, doing business as Morrison Rabbitry, Rural Route 1, West Liberty 52776.
Mrs. Rose Murphy, doing business as Oak Hill Kennels, Route 3, Council Bluffs 51501.
Robert N. Nejdl, doing business as Ledjen Hills Kennel, Post Office Box 1185, Cedar Rapids 52401.
LaVonne Nickell, Rural Route 3, Box 135, Corydon 50060.
Ellis M. Noggle, doing business as Benevolent Blind Service, Route 2, Wilton Junction 52778.
Ernest H. Parmer, Box 35, Derby 50068.
Leo and Mildred Reed, Route 5, Albia 52531.
Leona V. Rhoads, doing business as Rhoads Kennel, Muma 52572.
Inez F. Richardson, doing business as J and R Kennels, Clio 50052.
Liberty and Gladys Rocha, 1502 South 13th Street, Council Bluffs 51501.
Merle and Virginia Rockhold, Allerton 50008.
Mrs. Warren Rouse, Route 2, Albia 52531.
Mrs. Albert E. Rouw, doing business as Rouw's Tri Acre Kennels, Route 2, Pella 50219.
Robert R. Seley, Rural Route 1, New Virginia 50210.
Elmer B. Scherbring, Route 2, Box 80, Earlville 52041.
Mrs. Phyllis Schrader, doing business as Schrader Kennels, Battle Creek 51006.
Mrs. Maxine Shonts, Route 3, Centerville 52544.
Gertie V. Smith, doing business as Gertie Kennel, Route 1, Centerville 52544.
Ruby Smith, Cincinnati 52549.
Pat Straight, Kellerton 50133.
Leo F. Strickler, Route 2, Centerville 52544.
Mrs. Faith Suckow, Post Office Box 111, Unionville 52594.
Twylia Syferd, Box 344, Rural Route 1, Allerton 50008.
Twyla Teater, Box 22, Derby 50068.
Gerald Tjaden, Floyd 50435.
Robert and Helen Triebswetter, partners, doing business as United Kennels, Post Office Box 15, Centerville 52544.
Mr. and Mrs. Randal Truscheff, Rural Route 2, Fort Dodge 50501.
Lorene C. Tubaugh, doing business as Tubaugh's Saints, Route 1, Moravia 52571.
Violet M. and Ronald Ulmer, partners, doing business as Cottonwood Hill Kennel, Soldier 51572.
Mr. and Mrs. Gerald Vandenberg, doing business as Van's Kennels, Route 5, Albia 52531.
Mary E. Van Der Sluis, Route 1, Knoxville 50138.
David and Leatha Waddell, 309 North 15, Centerville 52544.
Elvie Waddle, Box 137, Clio 50052.
Herbert H. Waddle, Box 94, Clio 50052.
Chester D. Waller, Kellerton 50133.
Bill and Betty Weldon, doing business as Weldon Enterprises, Lovilia 50150.
Mrs. Dean Wells, Rural Route 1, Seymour 52590.
Ronald F. and Violett M. Welsh, partners, doing business as Welsh Kennels, Mystic 52574.
Patrick F. Wheelock, doing business as Vali-Vu Kennels, Rural Route 4, Box 216, Boone 50036.
Harold F. and Erma F. Willey, doing business as Black Shadow Kennel, 800 East Columbus, Mt. Ayr 50854.
Marilyn J. Wilson, Rural Route 1, Box 20, Corydon 50060.

KANSAS

Mrs. Richard M. Bevitt, Barnes 66933.
Joseph Bloomer, Lebanon 66952.
Katheryn Breaker, Route 1, Box 107, Douglass 67039.
Charles M. Brink, Route 2, Box 13, Paola 66071.
Alan Bruna, Hanover 66945.
Dr. William M. Bryant, Route 2, Washington 66968.
W. W. Burton, West Park, Rural Route 2, Dodge City 67801.
Ben H. Camden, Rural Route 4, Lawrence 66044.
Wilber R. Campbell, Route 2, Scranton 66537.
C and R Kennels, Inc., Box 128, Barnes 66933.
Dale A. Clark, Box 32, Barnes 66933.
Lyle L. and Theresa Clark, doing business as L and T's Kennel, Box 111, Greenleaf 66943.
Virgil H. Clark, doing business as Clark's Kennels, Box 295, Williamsburg 66095.
Lloyd Ditmars, doing business as Ditmars Kennels, Rural Route 1, Washington 66968.
Barry S. Doupnik, Agenda 66930.
Eldor I. Duensing, Box 116, Bremen 66412.
Leland Elliott, 400 West Second Street, Washington 66968.
Arvilla M. Fivian, Rural Route 1, Ottawa 66067.
Ernest Funke, Box 153, Washington 66968.
Judy Guilfoyle, doing business as Gull Kennels, Williamsburgh 66095.
Herman D. Hattesohl, Box 23, Linn 66953.
Dennis Helmbrecht, doing business as Den-Mar Kennel, Rural Route 2, Beloit 67420.
Jay E. and JoAnne Hoppe, doing business as Hoppe's Kennels, Route 2, Box 74, Hill City 67642.
Monte and Gladys Huckett, doing business as Huckett's Kennels, Greenleaf 66943.
Bill Isaacs, doing business as Haven Hill Pet Farm, Rural Route 1, Tecumseh 66542.
Robert F. Jandera, Rural Route 1, Hanover 66945.
Earl Johnston, 701 Genesee, Blue Rapids 66411.
Jones Kennels, Notawaka 66516.
Victor Jones, Route 1, Blue Rapids 66411.
Kenneth Josserand, 222 Vail, Topeka 66608.
Mr. and Mrs. William P. Kelly, Route 2, Clifton 66937.
Kermit Kirby, Rural Route 4, Pittsburgh 66762.
Linda Ann Klozenbucher, Box 64, Washington 66968.
Delbert Lane, doing business as Trailane Kennels, Rural Route 1, Soldier 66450.
Arnold Lohmeyer, Palmer 66962.
John and Pat Marshall, 11810 Hollingsworth Road, Kansas City 66109.
Walter Moore, 107 South F Street, Washington 66968.
John Nordquist, Blue Rapids 66411.
Mr. and Mrs. Walter H. Ohlde, Palmer 66962.
Doris M. Parker, Barnes 66933.
Mrs. Lloyd Pauli, Washington 66968.
Mrs. Dean Perkins, Box 7, Barnes 66933.
Debra Peters, Route 1, Linn 66953.
Cecil Phillips, 3355 North 115 Street, Kansas City 66109.
Kenneth Phillips, Route 1, Box 96, Edgerton 66021.
Leland Pitsch, Palmer 66962.
Walter J. Pitzer, doing business as Pitzer's Kennels, Rural Route 1, Concordia 66901.
Mr. and Mrs. Walter Porter, Rural Route 1, Goff 66428.
Mr. and Mrs. Warren Ricard, Route 2, Washington 66968.
Elver Richter, Box 83, Green 67447.
Galen Rottinghouse, 66538.
Dualne E. Sawin, Route 1, Washington 66968.
Lon Silver, Morganville 67468.
Mrs. Billie Jo Smart, 619 Woodland Drive, Washington 66968.
Glen and Phyllis Smith, doing business as Smith Puppy Brokers, Rural Route 1, Box 80BB, Garden Plain 67050.
Harley Smith, doing business as Yocker Creek Kennels, Rural Route 1, Box 81, Delphos 67436.
Mrs. Floyd Sorrick, Jr., 300 East Sixth Street, Washington 66968.
Bob Sparks, doing business as Sparks Kennels, Rural Route 3, Salina 67401.
Dan Specht, Route 2, Waterville 66548.
L. E. Stewart, Route 2, Waterville 66548.
Theracon, Inc., Box 1493, Topeka 66601.
Georgia Tinklin, doing business as Tinklin's Kennels, Rural Route 1, Goff 66428.
Terry Trulicka, Rural Route 1, Box 94, Barnes 66933.
Doris Turk, 116 East Fifth Street, Washington 66968.
Matt Uhlik, Greenleaf 66943.
Veda Lane Kennels, Rural Route 1, Concordia 66901.
Gene Wenzl, Greenleaf 66943.
Mary Wiechman, Rural Route 1, Barnes 66933.
Raymond Wiechman, Rural Route 1, Barnes 66933.
Scott R. Willbrant, Route 2, Washington 66968.
Mrs. Thomas Wilson, Route 1, Hanover 66945.
Betty Zabokrtsky, doing business as Zabokrtsky's Kennel, 114 West Fourth Street, Washington 66968.

KENTUCKY

Walter T. Baker, Route 2, Water Valley 42085.
Julius Johnson, Star Route, Box 259A, Harlan 40831.
William A. Newman, Beech Creek 42321.
M. E. Northcutt, doing business as Goodwill Kennel, Route 5, Cynthiana 41031.
Lee R. Smith, doing business as S & S Research Animals, Route 1, Box 56, La Grange 40031.
James U. Williams, doing business as Williams' Kentucky Cavies, 7811 Dobson Road, Fern Creek 40291.

LOUISIANA

Gulf South Research Institute, Post Office Box 1177, New Iberia 70560.
Waubun Laboratories, Inc., Drawer C, Schriever 70395.

MAINE

Dorothy A. Heikkinen, Route 3, Box 147, Auburn 04210.
O. Clyde Hulit, 53 Longley Road, Westbrook 04092.
Lee K. LaBelle, Rural Free Delivery 1, Box 343, Ellsworth 04605.
Telaco, Rural Free Delivery 1, Bar Harbor 04609.
The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

Terry G. Baker, 1656 Daisy Road, Woodbine 21797.
Joaquin H. Banares, doing business as Exotic Fish, 1125 Carroll Street, Baltimore 21230.
John E. Beall, Box 87A, Clarksburg 20734.
Caprice Sales, 2313 East Monument Street, Baltimore 21205.
Evelyn M. Carroll, doing business as Accokeek Rabbit Ranch, Route 1, Marbury, Indian Head 20640.
Columbia Pet World, Inc., 1250 Columbia Mall, Columbia 21043.
Coral Hills Pets Unlimited, 4429 Southern Avenue, Coral Hills 20019.
Coral Reef Aquarium & Pet, 3221 Eastern Avenue, Baltimore 21224.
T. M. Dinsmore Co., Inc., 3520 O'Donnell Street, Baltimore 21224.
Eastern Pet Shop, 423 Eastern Boulevard, Baltimore 21221.
Wilber Lee Eckert, Harney Road, Taneytown 21787.
Flow Laboratories, Inc., Post Office Box 2226, Rockville 20852.
John E. Folker, doing business as Bar "F" Enterprises, Post Office Box 9619, Baltimore 21237.
Elsie M. Foskey, doing business as Tri State Fisheries, Railroad Avenue, Pittsville 21850.
William E. Frye, doing business as B & H Rabbitry, 13700 Travilan Road, Rockville 20850.
George's Pet Shop, Cheverly Shopping Center, 5397 Annapolis Road, Bladensburg 20710.
Letha B. Hamilton, doing business as Letha's Kennels, Route 1, Box 162, Goodman 64843.
Robert E. Hampson, Jr., Rural Delivery 2, Box 62-A, Emmitsburg 21727.
Mary L. Hatcher, Route 1, Box 39, Nanjemoy 20662.
Harold E. Houpt, Route 6, Box 186, Hagerstown 21740.
International Pets Unlimited, Inc., 10632 Connecticut Avenue NW., Kensington 20795.
J.E.J.A., Inc., Box 81, Freetown Road, Simpsonville 21150.
Frank D. & Beverly R. Latta, doing business as B & F Farms, 4104 Hayward Avenue, Baltimore 21215.
Stewart G. Manuel, Jr., doing business as Tropical Exotic's Pet Center, Bel Air Plaza Shopping Center, Bel Air 21014.
Charles William Moser, Route 3, Box 2000, Hagerstown 21740.
Pet Kingdom, 10707 Indian Head Highway, Oxon Hill 20022.
Gary Richman, doing business as Gary's Pik-A-Wet-Pet, 1020 Monroe Street, Annapolis 21403.
Francis A. Roberts, 10606 York Avenue, Cockeysville 21030.
Rowmar Rabbitry, Inc., Route 1, Box 208, Mt. Airy 21771.
George W. Smith, Box 29, Greensboro 21639.
Tropical Fish City, Inc., 13312 Laurel Bowie Road, Laurel 20810.
Edgar E. Walls, Sr., Route 1, Box 57A, Centreville 21617.
Wheaton Pet Center, Inc., 2406 University Boulevard, Wheaton 20902.

MASSACHUSETTS

Barbara Ann Allen, doing business as Briar Patch Rabbit Farm, 1580 Glebe Street, Taunton 02780.
Harold E. Allison, doing business as Allison Acres, 305 Flat Hill Road, Lunenburg 01462.
Animal Research Center of Massachusetts, Charles Lane Road, New Braintree 01531.
Andre R. Auger, doing business as White Pine Rabbitry, West Street, East Douglas 01516.
Arthur F. Bealand, Box 96, South Road, Oakham 01068.
The Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington 01887.
Connecticut Valley Biological Supply Co., Inc., Valley Road, Southampton 01073.
Darlene Corkum, 8 Ballard Street, Saugus 01906.
John S. Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dennen Animal Industries, Inc., 405 Essex Avenue, Gloucester 01930.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Faunalabs, Inc., 31 Wilkins Street, Hudson 01749.
Thomas Fazio Laboratories, Inc., Post Office Box 35, Assonet 02702.
Paul G. Ferris, 180 North Main Street, Middleton 01949.
Alvin C. Finch, doing business as Pineland Farm Kennels, 43 West Street, West Bridgewater 02379.
Robert V. Flagg, doing business as Flagg's Rabbit Farms, 407 Main Street, Oxford 01540.
Charles M. Flansburg, West Street, Uxbridge 01569.
Donald E. Gaulitz, 154 Pine Street, Franklin 02038.
Joseph and Marie Geoffroy, doing business as J S M Rabbitry, Wells Road, Brookfield 01506.
Larry Giordano, 70A Bonanno Court, Methuen 01844.
Samuel F. Hymel, doing business as Hymel's Rabbitry, Rural Free Delivery 4, Cherry Street, Middleboro 02346.
Albert Izzo, doing business as Marlboro Country Rabbitry, 48 East Lincoln Street, Marlborough 01752.
Frank H. Jenks, 21 James Street, Feeding Hills 01030.
Sidney Katz, 92 Goodale Street, Peabody 01960.
Paul F. Kennedy, 26 Elm Street, Leominster 01453.
Martin Keoughan, Box 483, Belchertown 01007.
Robert L. Kydd, doing business as Elm Hill Breeding Lab, 71 Elm Street, Chelmsford 01824.
Murry M. and Margaret A. Landress, partners, doing business as Margaret's Home Farm, Barton Heights, Greenfield 01301.
Joseph Laura, Jr., doing business as New England Rabbitry Supply, Rural Free Delivery 3, North Middleboro 02346.
Joseph R. Lulu, Central Turnpike, Sutton 01527.
Raymond J. Lulu, 44 High Street, Uxbridge 01569.
Vincent R. Malone, Keyes Road, Warren 01585.
Arthur R. Mello, doing business as Mello-D-Acres, 201 Old Burley Street, Danvers 01923.
William A. Mitchell, Hinsdale Road, Rural Route Box 172, Northfield 01360.
Kenneth J. Morrissette, doing business as Cedar Swamp Rabbitry, Box 252, Old Douglas Pike, Uxbridge 01569.
Natureland, 6 Gill Street, Woburn 01801.
Andrew Nicholas, doing business as Morningdale Rabbitry and Hatchery, 38 Stockton Street, Boylston 01505.
Peter A. Niemi, doing business as Brook Side Rabbitry, 153 Lancaster Road, Berlin 01503.
Mrs. R. A. Norman, doing business as Ray-Al Rabbitry, Route 1, Box 185B, Southwick 01077.
Albert J. Perry, doing business as Willow Valley Rabbit Farm, 129 East Coggeshall Street, Fairhaven 02719.
Mrs. Theresa D. Perry, doing business as T and D Rabbitry, 84 Winter Street, Marlboro 01752.
D. G. Robinson, Jr., doing business as Tumblebrook Farm, West Brookfield 01585.
Joseph S. Serwecki, doing business as Serwecki's Rabbitry, North Spencer Road, Spencer 01562.
Southwick Birds and Animals, Inc., Blackstone 01504.
E. Clarence Stevens, doing business as Stevens Rabbitry, 378 Reservoir Street, Holden 01520.
Kenneth R. Stuart, doing business as K and P Rabbitry, Mason Road, Jefferson 01522.
Donald P. Sundstrom, 38 Mill Road, Westborough 01581.
William R. Thibeault, East County Road, Rutland, 01543.
Dr. Allan A. Vogel, 185 Locust Street, Northampton 01060.

MICHIGAN

Dacie J. Dettmer, doing business as Dettmer's Bunny Patch, 9103 Garfield Road, Carson City 48811.
Gerald R. Elenbaas, doing business as Zeeland Livestock Sale, 238 East Main Street, Zeeland 49464.
H-Bar-B Beagles, Inc., 900 North Main Street, Mattawan 49071.
Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
International Animal Exchange, Inc., 1489 East Nine Mile Road, Ferndale 48220.
Steven and Rosalie Johnson, doing business as The Menagerie, 175 East 26th Street, Holland 49423.
Laboratory Research Enterprises, Inc., 6251 South Sixth Street, Kalamazoo 49001.
Leo N. and Betty A. Lahar, partners, doing business as Old Dependable German Shepherds, Route 4, Box 168, Pinconning 48650.
Norman and Diana Langshaw, doing business as Langshaw Farms, Route 1, Box 256, Augusta 49012.
Beverly and Mickylouise Myers, doing business as Arrowhead Acres, Route 3, Box 190, Bellevue 49021.
Edward Radzilowski, doing business as Meadowbrook Farms and Co., 10426 Smith Creek Road, Memphis 48041.
Donald Reser, doing business as Johnson's Rabbitry, Route 5, Batavia Station, Coldwater 49036.
The Upjohn Co., Kalamazoo 49001.
Lyle E. Walt, 10070 West B Avenue, Otsego 49078.
Walter E. Wallace, 2014 108th Avenue, Otsego 49078.
Ralph Wellinger, doing business as Ralph's Rabbit Ranch, 5260 Dutcher Road, Howell 48843.
Richard Winslow and Steve Adams, partners, 305 East Main Street, Middleville 49333.
Robert J. and Roberta L. Woudenberg, partners, doing business as R and R Research Breeders, Route 2, 19256 West Kendaville Road, Howard City 49329.

MINNESOTA

Mr. and Mrs. Allan Abbe, Rural Route 2, Alden 56009.
B and E Patrol, Inc., 2021 West County Road C, Roseville 55113.
Delores N. Beise, 1102 Ramsey Street, Hastings 55033.
Melvin Beise, doing business as Beise Kennels, Route 1, Jordan 55352.
Archie M. Cardinal, 4208 Centerville Road, White Bear Lake 55110.
Art Engelbrecht, Route 4, Box 287, Alexandria 56308.
Bruce Fleming, doing business as Crimson Cross Kennel, 3608 Centerwood Road, New Brighton 55112.
James P. Goebel, Janesville 56048.
Mrs. Susan Hecht, Route 2, Paynesville 56362.
Donald Hippert, Route 1, Kasson 55944.

Morris E. Hippert, New Ulm Mobile Village, 2526 South Bridge Street, New Ulm 56073.
Dennis Ingvaldson, Route 6, Box 266, Bemidji 56601.
Mrs. Jospeh R. Kubazewski, 426 East 13th Street, Duluth 55811.
Gary C. Kuyava, 560 West Wabasha Street, Duluth 55803.
Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.
Mr. and Mrs. Steven J. Larson, doing business as Tally-Ho Farms and Kennels, Route 2, Box 99, Glyndon 56547.
Vernon Lerch, Hackensack 56452.
David Leversedge, Box 146, Balaton 56115.
Thomas Munzenneder, Route 2, Backus 56435.
Nick Reiland, Mazeppa 55956.
Math L. Serger, Route 2, Watkins 55389.
Clifton H. Toenges, Rural Route 1, Alden 56009.
Leslie Whiteaker, doing business as Sky High Kennels, Lake Wilson 56151.

MISSISSIPPI

Dr. Joe C. Martin, 125 Martin Street, Ripley 38663.
Hollie Vanlandingham, doing business as V and B Animal Shelter, Post Office Box 133, Vardaman 38878.

MISSOURI

Warren Allen, Lucerne 64655.
Mrs. Sara F. Allison, Route 1, Armstrong 65230.
Mrs. John D. Anderson, R.F.D. 1, Lancaster 63548.
Mrs. Joetta L. Anesi, Route 3, Kirksville 63501.
Clinton Bailey, Route 1, Stella 64867.
Mrs. Esther Baker, R.F.D. 3, Box 100, Memphis 63555.
Nellie L. Baker, R.F.D. 2, Box 29, Memphis 63555.
Harley Baker, Lewistown, 63412.
Mrs. Dorsie Baldwin, Route 3, Kirksville 63501.
James Baldwin, Route 3, Chillicothe 64601.
Judith L. Balk, Rural Route 2, Walker 64790.
Freddie and Ervin Banks, Route 1, Jane 64846.
Mrs. Norman Barron, Route 1, Box 242, Macon 63552.
Wanda Barnfield, doing business as Bar-Wan Kennels, Post Office Box 158, Crocker 65452.
Barkelot Kennel, Rural Route 1, Box 88A, Brookline 65619.
Lenn L. Bash, R.F.D. 1, Alexandria 63430.
John E. Beaver, doing business as Ponderosa Kennels, Rural Route 2, Box 383, Carthage 64836.
Mrs. Wendell Beckley, Rural Route 1, Leonard 63451.
Mary J. Beshears, doing business as Idlewild Kennel, Route 2, Wellsville 63384.
Kenneth F. Bias, Holts Summit 65043.
Peggy L. Blaine, Rural Free Delivery 3, Box 168, Memphis 63555.
Myrle and Sam Blakely, Route 1, Armstrong 65230.
Mrs. Robert D. Borghardt, Route 1, Iantha 64753.
Mrs. Lucille Bradley, Route 2, Box 52, Higbee 65257.
James R. Brady, Route 3, Shelbina 63468.
Perry L. Bramhall, Route 3, Kirksville 63501.
Ronald and Diane Breuning, doing business as Limelite Kennels, Route 2, Ava 65608.
Dale L. Brockmeyer, doing business as Vallee Hi Kennels, Rural Free Delivery 3, Nevada 64772.
Leona E. Brotherton, Rural Free Delivery 1, Box 141, Kahoka 63445.
Mrs. George W. Brown, doing business as Forrest Hills Kennel, Post Office Box 463, Forsyth 65653.
Mrs. Garold L. Bruce, Route 6, Unionville 63565.
Mrs. Verna M. Bruegenhemke, Rural Free Delivery 3, Edina 63567.
Mrs. Thomas Bryant, Baring 63531.
Syble Bunch, Route 1, Exeter 65647.
Coleen Burgher, Route 1, Coatsville, 63535.
Frank L. Burkhardt, 606 South Allen Street, Macon 63552.
Mrs. Lloyd Bushnell, Jr., Rural Free Delivery 1, Queen City 63561.
Mary Butler, Route 1, Carthage 64836.
Reba N. Camden, Rural Free Delivery 2, Glenwood 63541.
Mrs. Euzenia M. Campbell, Route 1, Anabel 63431.
Mildred F. Campbell, Shady Hill Kennels, Route 2, Madison 65263.
Mrs. D. G. Carlson, 1645 Moone Road, Springfield 65804.
Hugh S. Carnell, Route 1, Rocky Comfort 64861.
Mrs. Cletus C. Carney, Rural Route L, Novelty 63460.
Florence Carney, Leonard 63451.
Mrs. Mary R. Chamberlain, 501 South Elm, Vandalia 63382.
Eunice Christy, Route 2, Box 133, El Dorado 64744.
Junior P. Clair, Rural Free Delivery 1, Hurdland 63547.
Louise Clapp, Route 2, Butler 64730.
Emma J. Clark, Route 2, Mercer 64661.
Robert E. and Mary E. Claypool, Route 4, Trenton 64683.
Mattie E. Clemensen, Route 2, Nevada 64772.
Mozzelle Clemmons, Rural Delivery 2, Eldorado Springs 64744.
Mrs. Paul Clovy, Route 3, Edina 63537.
Mrs. Bessie M. Clubine, Route 3, Kirksville 63501.
Lorraine R. Cole, doing business as Bel-Air Kennel, 708 North Main, Grain Valley 64209.
Scott Cole, Rural Free Delivery 3, Lebanon 65536.
Charles E. Collier, Rural Free Delivery 1, Arbela 63432.
Mrs. Goldie Collis, Rural Free Delivery 1, Queen City 63561.
Mrs. Joyce Colman, Route 2, Callao 63534.
Dennis A. Cook, Rural Free Delivery 1, Lancaster 63548.
Mrs. Betty Craig, 200 Elizabeth Street, Holden 64040.
Miss Elmer Craigmyle, Shelbyville 63469.
Mrs. Judy Crumbaugh, Route 5, Kirksville 63501.
Mrs. Alice Crump, Post Office Box 5, Lancaster 63548.
Joyce Cullum, doing business as Cullum Kennels, Route 1, Unionville 63565.
Mrs. R. E. Custer, Route 2, Green City 63545.
Daisy Hill Puppy Farm, Route 1, Amazonia 64421.
Carl J. Dammeman, Salisbury 65281.
Homer and Emma Danner, Clarence 63437.
Mary Davis, Rural Route 2, Savannah 64485.
Mrs. Ida Daw, Rural Free Delivery 3, Kahoka 63445.
Mr. and Mrs. Irvin F. Day, Rural Route 1, Paris 65275.
Claude Jr. Dean, Rural Free Delivery 1, Kahoka 63445.
Irene Deierling, Box 398, Queen City 63561.
Mrs. Pat Delaney, Route 1, Greentop 63546.
E. Joyce Denison, Route 1, Box 140A, Neosho 64850.
Mrs. Barbara J. DeVaul, Meadville 64659.
Kenneth F. Dickinson, doing business as Dickinson Kennel, Route 2, Osceola 64776.
J. W. and Fern O. Dodson, Box 215, Greentop 63546.
Mrs. Ben Donaldson, Route 3, Lebanon 65536.
Gibert Doss, Freistatt 65654.
Mrs. Luther Douglass, Edina 63537.
Stella Douglass, Novelty, 63460.
Joella F. Dozier, Route 3, Columbia 65201.
Mrs. Marion R. Duenow, Atlanta 63530.
Robert Duncan, Highway 36, Bucklin 64631.
Charles E. Dye, doing business as Rockhound Kennels, Box 84, Route 3, Savannah 64485.
Mrs. Fay Eggleston, Rural Free Delivery 2, Box 53, Memphis 63555.
Mrs. Patricia Eitel, Route 4, La Plata 63549.
Rube B. Ellis, Duenweg 64841.
Helen England, Route 2, Centralia 65240.
Julia W. England, doing business as Ju-Les-Rans Kennels, Rural Route 2, Centralia 65240.
Lyle Erwin, Brashear 63533.
Oren Euritt, doing business as Oak Grove Kennels, Route 1, Kirksville 63501.
Ruth J. Fehling, doing business as R. J. Kennel, Route 1, Armstrong 65230.
Mrs. Juanita M. Fenimore, Route 2, Atlanta 63530.
Mrs. Beverly Fields, doing business as Maple Ridge Stock Farm, Humphreys 64646.
Mrs. Leo W. Findling, Route 2, Atlanta 63530.
Virgil Flaxbeard and Wanda Dickens, Rocky Comfort 64861.
Mrs. Luther Ford, Rural Free Delivery 2, Glenwood 63541.
Mrs. Marie Ford, Rural Free Delivery 2, Greenwood 63541.
Mrs. Carl Forgey, Route 1, Ozark 65721.
Mrs. Bernice Forrester, Baring 63531.
Donald D. Foster, doing business as White Gate Kennels, Route 1, Macon 63552.
Judy Foster, doing business as Foster's Canine Kennel, Route 4, Centralia 65240.
Catherine C. and Jacob J. Francka, Rural Free Delivery 1, Box 42, Brighton 65617.
Mrs. Bernice Frazee, Novelty 63460.
Mrs. Laura Fremon, doing business as Fremon Farms, Rural Free Delivery 1, Glenwood 63541.
Mrs. Vernna J. Frieden, Rural Free Delivery 3, Kahoka 63445.
Pauline Friend, doing business as PaPaws Kennel, Route 1, Box 765, Bois D'Arc 65612.
Wilma Fry, Route 2, Brookfield 64628.
Mrs. Frances Garnett, Rural Free Delivery 2, Box 85, Rutledge 63563.
Mrs. Annetta Garrelts, Route 2, Atlanta 63530.
Mrs. Roger Garrison, Route 1, Rockville 64780.
Welton F. Gegg, Star Route 1, Box 75, Ste. Genevieve 63670.
Mrs. J. K. George, Route 1, Box 212, Sedalia 65301.
Mrs. Melvin George, Route 3, Salisbury 65281.
Mrs. Grace N. Goodwin, Rural Free Delivery 1, Box 51, Queen City 63561.
Landa Goodwin, doing business as Shady Acres Kennel, Star Route 28509, Lebanon 65536.
Mrs. Mae Gosney, Clarence 63437.
Lorene and John Gossett, Rural Free Delivery 1, Calhoun 65323.
Mrs. Florence N. Gordy, Post Office Box 42, Glenwood 63541.
Nadine Gransbury, Rural Route 1, Box 182, Eldorado Springs, 64744.
Rena Gregg, Route 1, Box 40, Harrisonville 64701.
Wilbert Gruenefeld, Route 1, Jonesburg 63351.
David Gully, Route 1, Huntsville 65259.
Dean Hall, Route 1, Exeter 65647.
Mr. and Mrs. A. F. Hane, Route 1, Callao 63534.
J. F. Hargus and Roxie Hargus, partners, doing business as Bell Acres Kennels, Route 1, Miller 65707.
Mrs. Alice M. Harmon, Rural Route 1, Syracuse 65354.
Charles R. Harrison, doing business as C and A Rabbitry, Route 1, Box 196, Hartville 65667.
Ruby Hart, Rural Free Delivery 2, Box 139, Lancaster 63548.
Mrs. W. D. Harper and Melvin Cowdery, partners, doing business as Har-Wyn Kennels, Route 2, Post Office Box 117A, Rockville 64780.

Geraldine Hatfield, Rural Free Delivery 1, Newark 63458.
Alma M. Hays, Route 3, Kirksville 63501.
Mr. and Mrs. Everett E. Hays, Queen City 63561.
Billie Kay Henry, 323 Lamb Avenue, Macon 63552.
Mrs. Juanita Herring, Route 1, Box 118, Everton 65646.
Elton K. Hettinger, Rural Free Delivery 2, Rutledge 63563.
Mrs. Richard Hettinger, Edina 63537.
Mrs. Margaret Hines, Rural Free Delivery 1, Leonard 63451.
Arlo D. and Billie J. Hoffer, Rural Free Delivery 1, Ewing 63440.
Lester C. Hoffer, Route 2, Greenfield 65661.
Marilyn Y. Howerton, Route 1, Nixa 65714.
H. W. Hufford, 832 S. Park Avenue, Springfield 65802.
Woodrow W. Huffstutler, doing business as Ozark Research Supplier, Rural Free Delivery 3, Vienna 65582.
Mr. and Mrs. Fern W. Hulen, Rural Free Delivery 1, Lancaster 63548.
Sue Hughes, doing business as DoBoTri Kennels, Route 1, Purdy 65734.
Mrs. Leo Hunolt, Rural Route 3, Edina 63537.
Jerry Hunziker, Hurdland 63547.
Mrs. Lily D. Hurley, Livonia 63551.
Robert K. Hurt, Bunceton 65237.
Mrs. Ruby F. Hyle, Route 6, Unionville 63565.
Mrs. Ollie M. Jackson, Rural Free Delivery 2, Lancaster 63548.
Marie James, Hurdland 63537.
Mrs. Edith Jefferies, Route 1, Greentop 63546.
Irvin Johnston, Rutledge 63501.
Anna Mae Jones, Humphreys 64646.
Mary Ellen Jones, Rural Free Delivery 1, Lancaster 63548.
James M. Jones, 231 N. Maple Street, Memphis 63555.
Donald A. Jones, Rural Route 2, Paris 65275.
Elda J. Justice, Edina 63537.
Nordeen Keeshonden, Route 1, Middletown 63359.
Donna Belle Kelsey, Star Route, Box 185, Mindenmines 64769.
Malven Kennedy, Jerico Springs 64756.
Lena G. Scott, doing business as Jonlea Kennels, Route 3, Box 206, California 65018.
Mrs. Eugene H. Kerby, Rural Free Delivery 2, Glenwood 63541.
Mrs. Macel M. Kiddoo, Rural Free Delivery 2, Memphis 63555.
Mrs. Mary Kidwell, Leonard 63451.
Mrs. Richard Kiley, Baring 63531.
Thelma Kinzer, Route 2, Box 131, Shelbina 63468.
Mrs. Connie S. Kirchner, Rural Free Delivery 1, Luray 63453.
Mrs. June Kramer, Route 1, Appleton City 64724.
Mrs. Grace L. Laird, Route 1, Gibbs 63540.
Everett Lambeth and Sons, Route 2, Carthage 64836.
Mrs. Nancy S. Latimer, Rural Route 4, Edina 63537.
Hollis Lawson, doing business as Colonial Acres, 427 West County Street, Monett 65708.
Mrs. Audrey Lay, Edina 63537.
Herman A. Leedom, Post Office Box 2, Glenwood 63541.
Violet M. Lewis, 500 Chestnut Street, Holden 64040.
Lucille and John Lindquist, doing business as Johnnie-Lou Kennels, Route 2, Greentop 63546.
Wallace Lineberry, doing business as Lineberry's Kennel, Rural Free Delivery 3, Hale 64643.
Arvel Long, Rocky Comfort 64861.
Mr. and Mrs. Marcell Long, Rocky Comfort 64861.
Mrs. Eunice F. Long, Route 1, Paris 65275.
Mrs. June Long, Route 4, Box 302, Eldorado Springs 64744.
James O. Love, Rural Free Delivery 1, Newark 63458.
Joe Lund, doing business as Post Oak Farm, Post Office Box 136, Warrensburg 64093.
Joyce Luttrull, Rural Free Delivery 2, Box 106, Lewistown 63452.
Virginia Mann, Appleton City 64724.
Al Marcum, 3025 South Ten Mile Drive, Jefferson City 65101.
Ted Marrs, Jane 64846.
George W. Maupin, Clarence 63437.
Shirley D. Mayer, Baring 63531.
Kenneth and Faye McBee, doing business as McBee Kennels, Route 3, Braymer 64624.
Gayla McCormick, Route 1, Stockton 65785.
Glen E. McCoy, 853 West Whiteside, Springfield 65804.
Mrs. Grace McKee, Knox City 63446.
Mrs. Geraldine K. McMurry, R.F.D. 2, Rutledge 63563.
Pat McWilliams, Route 2, Box 190, Eldorado Springs 64744.
George M. Millard, Rural Route 1, Box 133, Amoret 64722.
Harold Miller, Granger 63442.
Mrs. Leona Miller, Route 1, Elmer 63538.
Mrs. Leland Miller, Route 3, Shelbyville 63469.
Mrs. Leon Minor, 321 East Rogers, Monroe City 63456.
Missouri Valley Kennels, R.F.D., Alexandria 63420.
Mrs. Julia Mollick, R.F.D. 2, Box 176, Greentop 63546.
Bobby J. Moncriet, Route 4, Kirksville 63501.
Clara Montee, Route 1, Box 210, Appleton City 64724.
Mrs. Tunnie Montgomery, Route 3, Kirksville 63501.
Mrs. Lelia J. Morgan, 106 Jefferson Street, Macon 63552.
Ida and Marilyn Morrow, Knox City 63446.
Mrs. Porter Moss, Route 4, Lamar 64759.
Mrs. Avonel Mossburger, Route 1, New Cumbria 63558.
Mrs. Ted Murray, Novelty 63460.
Theodore Niemeier, Bynumville 65238.
Mrs. Marianne Nelson, Route 2, Macon 63552.
Mrs. Patsy Newcomer, Route 3, Kirksville 63501.
George Nichols, Clarence 63437.
Mrs. Kenneth Nichols, Route 1, Sturgeon 65284.
R. E. Nichols, doing business as Abah Kennels, Box 428, Clinton 64735.
Harry and Ada Noblitt, Edina 63537.
Eldon A. Norman, Route 4, Box 16-B, Holden 64040.
Dorothy Norton, 508 Washington Street, Unionville 63565.
Mrs. J. V. Norton, Knox City 63446.
Jerry R. Norton, Box 82, Auxvasse 65231.
Mrs. Vadah Norton, Knox City 63446.
Mary L. O'Farrell, 503 South Main Street, Holden 64040.
Lewis E. Olmstead, Route 4, Milan 63556.
Mrs. Samuel Oshner, La Belle 63447.
Mrs. Lorraine Palmer, Route 1, Wheatland 65779.
William M. and Frances A. Palmer, partners, doing business as Palmer Kennels, Route 3, Hamilton 64644.
Palmers Livestock Farm, Box 186, Liberal 64762.
Dorothy W. Parks, Route 4, Chillicothe 64601.
Mrs. Blanche Parrish, Knox City 63446.
Dixie and Amee J. Parrish, Rural Free Delivery 1, Knox City 63446.
Mrs. Ernest E. Parrish, Newark 63458.
Frank L. Parsons, Post Office Box 66, Downing 63536.
Paul W. and Patsy J. Parsons, Edina 63537.
Charlotte and Ernest Partin, Route 1, Macon 63552.
Lloyd O. and Gladys L. Patrick, doing business as Oak Tree Kennel, Route 3, Shelbyville 63469.
Dr. Glen W. Patterson, doing business as Patterson Kennels, Hale 64643.
Lamon and Lola Payne, Star Route, Ozark 65721.
Mrs. Donna Perry, Knox City 63446.
Mrs. Gerald Perry, Route 2, Novelty 63460.
Helen Peters, Rural Route 1, Keytesville 65261.
Forest K. and Lois I. Phelps, Box 11, Lancaster 63548.
Charles D. Phillips, Box 354, Holts Summit 65043.
Frank W. Pierce, doing business as Red Brush Kennels, Route 2, Box 207, El Dorado Springs, 64744.
Louise Plumlee, doing business as Whispering Pines Kennel, Route 2, Box 234, Carthage 64836.
Jean Pore, Rothville 64676.
Neona J. Price, Rural Route 1, Box 53, Mendon, 64660.
Beth Primm, Novelty 63460.
Mrs. Harlie O. Ragar, Emden 63439.
Mrs. Margaret Ransdell, Route 2, Holliday 65258.
Mr. and Mrs. Franklin Reddell, 213 West 21st, Oak Grove 64075.
Roy Redman, Jr., Route 2, King City 64463.
Mrs. Kay Reed, doing business as Kay's Kennels, Route 3, Macon 63552.
Martha J. Reed, doing business as Reedgate Kennels, Route 2, Lamar 64759.
Dean Reger, Newton 64667.
Mrs. Reva M. Reger, doing business as Vi-Re Kennels, Box 291, Novinger 63559.
Mrs. Lee Rhoades, Novelty 63460.
Mrs. Albert Rhoades, Knox City 63446.
Mrs. Mildred Rhoades, Knox City 63446.
Mrs. Lois A. Rice, Rural Free Delivery 3, Knox City 63446.
Mrs. Lois A. Rice, RFD 3, Knox City 63446.
Mrs. Ruth Rice, Knox City 63446.
Katie Richardson, Route 1, Armstrong 65230.
Ruth A. Roberson, Monticello 63457.
Carolyn Roburtson, 615 East Hickory, Nevada 64772.
Mrs. Harold C. Rogers, doing business as Fairview Kennels, Route 3, Kirksville 63501.
Rosie Taylor, doing business as Rosie's Kennels, Route 1, Box 19A, Grandy 64844.
Irene Rudkin, 509 West Depot, Huntsville 65259.
Mrs. Frances Rueweler, Route 3, Box 138, Troy 63379.
Douglas G. Rummerfield, Route 1, Kirksville 63501.
Bob Russow, Route 5, Box 331, Joplin 64801.
William Salts, doing business as Piney Hills Kennels, Box 190, Houston 65483.
Mrs. Leora Sandefur, Route 1, Greentop 63546.
Susan and Sharon Sanders, doing business as Kay-Lee Kennels, Route 2, Box 89, Madison 65263.
Josie Saner, R.F.D. 1, Queen City 63561.
Paul Savage, Route 1, Rocky Comfort 64861.
Thelma I. Sawyer, Box 114, Queen City 63561.
Otto F. and Pauline Schmitter, R.F.D. 2, Lancaster 63548.
Mrs. Eulah Schnetzler, Route 3, Box 26A, Madison 65263.
Lena G. Scott, doing business as Jonlea Kennels, Route 3, Box 206, California 65018.
Shady Rock Acres, Route 2, Rogersville 65742.
Stanley W. Sharp, Edina 63537.
Mildred L. Sharpe, R.F.D. 1, LaBelle 63447.
Mrs. Brenda D. Shatzer, Box 124, Anabel 63431.
Mrs. Ida Shearer, Knox City 63446.
Mrs. Mary Joyce Shively, Coatsville 63535.
Sho-Me Research Dogs, Inc., Route 1, Box 121, Hallsville 65255.
Mrs. Edward L. Shultz, R.F.D. 2, Rutledge 63563.
Linda Simpson, Novelty 63460.
Mrs. Annetta M. Sisson, R.F.D. 1, Box 75, Luray 63453.
Mrs. Rex Slaughter, Box 435C, Goodman 64843.
Billie Smith, Route 1, Box 177, Salem 65560.

Lois E. Smith, Rural Route 2, Brookfield 64628.
Mrs. Ada Smyser, Glenwood 63541.
Mrs. Neva P. Snider, Box 127, Green City 63545.
Mrs. Ilene Snyder, Route 2, Greentop 63546.
Mrs. Evelyn Sparks, Route 6, Unionville 63565.
Larry D. and Jane Ann Stacy, partners, doing business as Stacy's Kennel, Rural Route 1, Bevier 63532.
William and Ruth Stalder, partners, doing busines as King Jack Kennel, Route 1, Oronogo 64855.
Walter B. and Sadie L. Stoner, partners, R.F.D. 2, Hurdland 63547.
Elsie Strickler, R.F.D. 2, Kahoka 63445.
Mrs. Sandrah Sue Strub, R.F.D. 1, LaBelle 63447.
Mrs. Zelda N. Sturm, 470 West Clark Street, Kahoka 63445.
Alice E. Swanstone, doing business as Swanstone Kennels, Rural Route 1, Boonville 65233.
Yvonne Swofford, Route 1, Exeter 65647.
Wallace Taylor, R.F.D. 1, Kahoka 63445.
Evelyn L. Tebbenkamp, Rural Route 13, Salisbury 65281.
John J. Tennison, Post Office Box 68, Goodman 64843.
Mrs. Roberta Throckmorton, Knox City 63446.
Mrs. Ellen Trent and Mrs. Lola M. Mumford, Rural Free Delivery 2, Rutledge 63563.
Ruby S. Trout, Route 1, Box 356, Nevada 64772.
Mrs. Lilly Troutt, Knox City 63446.
Mrs. Peggy Jo Turner, Route 1, La Plata 63549.
Romaine Turner, Route 1, La Plata 63549.
Mrs. Ethelyn Tysor, Route 1, Unionville 63565.
Connie Van Dorn, 2911 Blackwell Road, St. Joseph 64506.
Paul Van Ormer, doing business as VaNett Kennel, Route 1, Clinton 64735.
Mr. and Mrs. Claude Vantrump, Route 1, Hardin 64035.
Merle L. Vaughn, doing business as Trenton Dog and Gun Auction, 1907 Princeton Road, Trenton 64683.
Vaughns Pet Suppliers, 2682 South Glenstone, Springfield 65804.
Mr. Louis E. Veatch, R.F.D. 1, Coatsville 63553.
Edward Vittetoe, Shelbyville 63469.
Iola M. Walt, doing business as Waits Kennel, Box 802, Kirksville 63501.
Mrs. Dorothy Wamsley, Newark 63456.
Frank and Midge Watson, Route 1, Stockton 65785.
Betty A. Weaver, R.F.D. 1, Glenwood 63541.
Mrs. Esther Weaver, Clarence 63437.
Emma M. Weber, Route 1, Kirksville 63501.
Edward J. Wellman, doing business as Wellmans Kennel, Route 1, Kirksville 63501.
Mrs. May Wells, Route 1, Callao 63534.
Mrs. Nita M. Welsh, R.F.D. 2, Glenwood 63541.
Henry V. Wendling, R.F.D. 3, Kahoka 63445.
Mrs. Alma N. Wendling, R.F.D. 1, Kahoka 63445.
Max H. Wheeler, Lancaster 63548.
Richard Whitacre and Richard Baughman, Glenwood 63541.
Mrs. Edith E. White, R.F.D. 2, Glenwood 63541.
Mrs. Pauline L. Whitlow, R.F.D. 2, Queen City 63561.
Georgia Williams, doing business as Land-o-Lakes Kennels, Route 1, Box 134, El Dorado Springs 64774.
Kenneth F. Williams, R.F.D. 1, Monticello 63457.
Mrs. Janie Wilson, Box 27, Frankford 63441.
Mrs. J. W. Wisdom, Route 3, Macon 63552.
T. C. Wolf, Route 1, La Plata 63549.
Don Wolverton, Box 84, Huntsville 65259.
Mrs. Loretta Wood, Route 3, Shelbyville 63469.
J. C. Wood, doing business as Wood Kennels, Route 1, La Plata 63549.
Mrs. Carl Woodard, R.F.D. 2, La Belle 63447.
Hazel N. Woods, 1333 East Walnut, Nevada 64772.
Mrs. Jewell Workman, doing business as Workmen's Dogpatch, Route 4, Lamar 64759.
Lorene Yoder, Box 98-A, Route 2, Rockville 64780.
Milton Young, Route 2, Lebanon 65536.
Mae Zarr, doing business as Puppy Luv Enterprises, 1211 East Cambridge, Springfield 65804.
Mrs. Vernon Zuspann, Edina 63537.

MONTANA

Emerald L. and Lewis Miller, Box 137, Springdale 59082.
Betty Z. Price, doing business as Prices Foys Lake Kennel, Marion Stage Route, Foys Lake, Kalispell 59901.
Dr. Earl M. Pruyn, 1515 Livingston, Missoula 59801.
Fran and Polly Riggs, doing business as Yorkshire Square, 405 First Street NE., Harlowton 59036.

NEBRASKA

William H. and Mary R. Behrends, Route 1, Wymore 68466.
Mrs. Jay Cromer, Route 2, Falls City 68355.
Mrs. Louis Cumro, doing business as Indian Creek Kennel, Box 13, Odell 68415.
Mr. and Mrs. Carl Dageforde, Rural Route 2, Hebron 68370.
Wayne Dietz, Route 1, Box 70-A, Orleans 68966.
Dwayne A. Elting, Carleton 68326.
Leonard Elting, Hebron 68370.
Four Starr Ranch & Kennels, Rural Free Delivery 4, Box 35-A, Fairbury 68352.
Doris Jarred, Verdon 68457.
Bryan L. Jones, doing business as Blue River Kennels, Box 205, Bladen 68928.
Jeane M. Kuhlmann, Route 2, Box 40, Humboldt 68376.
Joseph M. Kulhanek, Rural Free Delivery 2, Howells 68641.
Dale F. Larimore, Route 1, Box 138, Falls City 68355.
Leonard and Ruth McCord, Fairbury 68352.
Rebecca J. Mick, 502 East H Street, Wymore 68466.
Mrs. Rachel D. Morehead, Rural Route 2, Falls City 68355.
Robert G. and Evelyn Ann Neihart, Rural Route 2, Shelby 68662.
Gerald E. Oestmann, doing business as Waggin Tail Kennel, 1609 23rd Street, Auburn 68305.
Mrs. William Packer, Route 2, Wood River 68883.
Mrs. Joe Ramer, Route 2, Falls City 68355.
Mrs. Donald E. Rears, Stella 68442.
Eldora M. and Leonard A. Sasse, Diller 68342.
Harvey Sejkora, Burchard 68323.
Edward Shafer, Post Office Box 142, Bartley 69020.
Mrs. Leonard Snyder, Rural Free Delivery, Liberty 68381.
Rolland L. Stevenson, doing business as Nebraskaland Kennels, Richland 68657.
Eunice E. Wamsley, Route 1, Shubert 68437.
Mrs. Howard Warford, doing business as Lakeview Kennels, Rural Route 2, Wymore 68466.
Gertrude Wilhelm, 2615 Chase, Falls City 68355.
Victor L. and Juanita E. Woltemath, Elk Creek 68348.
Emma Wright, Stamford 68977.

NEVADA

Area-West, Inc., doing business as Spring Creek Animal Farm, 251 West Commercial Street, Elko 89801.
Valu-Mart, 900 East Plumb Lane, Reno 89502.
Harry and Deanne Wright, doing business as Pettin Place, 1121 South Wells, Reno 89502.

NEW HAMPSHIRE

Trustees of Dartmouth College, Post Office Box 31, Hanover 03755.

NEW JERSEY

Affiliated Medical Enterprises, Inc., Post Office Box 57, Princeton 08540.
James J. Barton, doing business as Barton's West End Farms, Rural Delivery 1, Box 241, Oxford 07863.
Bio-Science Resources, Inc., 1200 Railroad Avenue, Asbury Park 07712.
Warren E. Buck, Black Horse Pike, Post Office Box 61, Glendora 08029.
Joseph Byrnes, doing business as Valley Farms, Post Office Box 585, West Paterson 07424.
Camm Research Institute, Inc., 414 Black Oak Ridge Road, Wayne 07470.
Henry Christ, Rural Route 3, Box 208, Farmingdale 07727.
George Clauss, 18-19 Saddle River Road, Fair Lawn 07410.
Davidson's Mill Farm, Rural Free Delivery 1, Box 184, Jamesburg 08831.
Deblin Farms, Inc., Post Office Box 369, Branchville 07826.
Harry L. Grohsman, doing business as New Windsor Farms, 129 Oak Grove Avenue, Hasbrouck Heights 07604.
Eric P. Gumperz, doing business as Chick Line Co., Post Office Box 5, Newfield 08344.
H.A.R.E. Rabbits for Research, Post Office Box 531, Hewitt, West Milford 07421.
Paul Italiano, doing business as Italiano Rabbits, 17 Whitman Square Shopping Center, Turnersville 08012.
Richard Johnson, doing business as Paradise Tropical Aquarium, Fields Plaza Shopping Center, Statford 08084.
Kenneth H. Kenyon, doing business as Kenyon's Rabbit Farm, Rural Delivery 1, Hornell 14843.
K-G Farms, Inc., 94 Delanca Drive, Parsippany 07054.
Lakeview Hamster Colony, Post Office Box 85, Newfield 08344.
Marland Breeding Farms, Inc., Post Office Box 75, Wayne 07470.
Michael G. McGee, doing business as Breezy Acres Farm, Post Office Box 83, Chatham 07928.
Thomas F. Moffett, doing business as New Jersey Murarium, Shinny Lane, Rural Free Delivery 1, Trenton 08648.
J. P. O'Neill, doing business as Brendan Farm, Rural Delivery 3, Princeton 08540.
Price Research Laboratory, Inc., 7300 North Crescent Boulevard, Pennsauken 08110.
Primelabs, Inc., Monmouth County Airport, Farmingdale 07727.
Ridge Bio-Laboratories, Inc., 237 Morris Avenue, Springfield 07081.
William Salts, doing business as Piney Hills Kennels, Box 190, Houston 65483.
Clifford and Dorothy Stackhouse, doing business as Edgely Research Farms, Chesterfield-Georgetown Road, Columbus 08022.
Mrs. Kathleen Tinbergen, doing business as Sunrise Laboratory Animals, Rural Delivery 2, Ridge Road, Whitehouse Station 08889.
Triple R. Rabbitry, Post Office Box 301, Manasquan 08736.
Marjorie T. Whaley, doing business as Summit View Farm, Box 293, Free Union Road, Belvidere 07823.
James E. Williams, doing business as Hilldale Farms, Rural Delivery 1, Box 728, Franklinville 08322.
Zucca's Hamstery, 1541 Allen Avenue, Vineland 08360.

NEW MEXICO

Acoma Pet Center, 321 Wyoming SE., Albuquerque 87123.
Tracy L. English, doing business as The Pampered Pooch, 800 F Juan Tabo NE., Albuquerque 87123.
Freds Pet Shops, Inc., 3423 Vassar NE, Albuquerque 87107.
TropAquarium, Inc., 3619 Wyoming NE., Albuquerque 87111.
United Pet Center, 2254 Wyoming NE., Albuquerque 87112.

NEW YORK

A & E Farms, Inc., Box 526, Altamont 12009.
Arlouise Adams, Rural Delivery 2, Groton 13073.
Animal Business Associates, Inc., 1317 Surf Avenue, Brooklyn 11224.
Ronald M. Barlow, doing business as Barlow Research Animals, 1031 Cumberland Avenue, Syracuse 13210.
Albert G. Bean, Rural Delivery 3, Moravia 13118.
Vincent Becchinelli, doing business as Ideal Pet Shop, 2341 Second Avenue, New York 10035.
Claude L. Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
Charlotte Bowley, 6774 Cicero-Bridgeport Road, Clay 13041.
George Brandes, doing business as Petland, 72 Freeville Road, Dryden 13053.
David F. Campbell, Rural Delivery No. 1, Route 20, Sloansville 12160.
Edward J. Canlon, doing business as New Springville Laboratory Animals, 300 Robinson Avenue, Staten Island 10312.
Leonard Caros, doing business as Rabbit Land, Rural Free Delivery 2, Franklinville 14737.
Carworth, doing business as Carworth-Guinea Pig Breeding Colony, 216 Congers Road, New City 10956.
Catskill Wild Animal Supply, Inc., Rural Delivery 1, Catskill 12414.
William G. Conway, 185th Street and Southern Boulevard, Bronx 10460.
Cornell University, doing business as Cornell Dog Farm, Sapsucker Woods Road, Ithaca 14850.
Docktor Pet Center No. 227, doing business as C.L.S. Enterprises, Inc., 5711 Horatio Arterial, Utica 13502.
LeRoy F. Edminster, doing business as Roy's Rabbitry, Rural Delivery 1, Box 107A, Alpine 14805.
Edward G. Fabry, 2 Rose Court, New City 10956.
Bernard D. Fincke, doing business as New York Zoological Exchange, 446 East Fordham Road, Bronx 10458.
Peter J. Flinn, doing business as Rabbitry, 160 Ontario Street, Albany 12206.
Food and Drug Research Laboratories, Inc., Post Office Box 107, Route 17, Waverly 14892.
Gerry's Tropical Fish, 137 Main Street, Cortland 13045.
Charles J. Golnek, Jr., doing business as The Mountain Aquarium & Pet Shop, 549 Albany Avenue, Kingston 12401.
Joseph and Florence V. Hezel, doing business as Riverside Aviaries, 162 South Main Street, Holland 14080.
Richard R. Hinderer, Rural Delivery 2, Ashville 14710.
John Hoessle, Central Bridge 12035.
George K. Holbert, Box 27, Sugar Loaf 10981.
David D. Howe, Box 104, Mount Upton 13809.
Isabelle F. Kennedy, doing business as Kennedy Small Stock Farm, 5224 Subbera Road, Lockport 14094.
Kenneth H. Kenyon, doing business as Kenyon's Rabbit Farm, Rural Delivery 1, Hornell 14843.
Owen D. Kraham, Rural Delivery 1, Cooperstown 13326.
Krutulis Laboratories, Inc., Post Office Box 153, Bridgeport 13030.
Philip J. Lynk, Livingston 12541.
Marshall Research Animals, Inc., North Rose 14516.
The Mary Imogene Bassett Hospital, Cooperstown 13326.
Russell B. Miller, doing business as Russell Miller Farms, 3979 Nine Road, Cazenovia 13035.
Stanton G. Muller, Rural Delivery 1, Waverly 14892.
Arthur R. Nersesian, doing business as Rock Mountain Valley Farm, Clove Valley Road, High Falls 12440.
Arthur Phillips, Rural Delivery 2, Box 386, Warwick 10990.
Larry Presti, doing business as Hidden Acres Boarding Farm, Box 87, Spring Glen 12485.
Primate Imports Corp., 34 Munson Street, Port Washington 11050.
Richard M. Reynolds, doing business as Starlite Aquarium and Petland, 7659 Lake Shore Drive, Whitney Point 13862.
Frank Jr., and Marion Rivers, partners, doing business as F & M Rabbitry, Route 2, Box 890, Plattsburgh 12901.
John J. and Rita G. Sherman, partners, doing business as Hillcrest Animal Farm, Rural Delivery 2, Adams 13605.
Donald L. Smith, doing business as Don's Rabbitry, Box 15, Waterloo 13165.
Robert W. Steedman, 8363 North Roaod, LeRoy 14482.
Donald L. Stumbo, doing business as Stumbo Farm, Reed Road, Lima 14485.
Trefflich's of West Broadway, Inc., 141 West Broadway, New York 10013.
Florence I and Donald O. Truman, Blodgett Mills 13738.
Ward's Natural Science Establishment, Inc., 3000 Ridge Road E., Rochester 14603.
Eugene E. Wells, Box 174, Springfield Center 13468.
Frank Webb, 55 New Hartford Street, New Mills 13417.
Winona Criddle's Caviary, Tunnel Road, Rural Delivery 1, Port Crane 13833.
Annetta S. Wittmann, doing business as Wittmann Rabbitry, Box 221, Main Street, Yaphank 11980.
F. J. Zeehandelaar, Inc., 405 North Avenue, New Rochelle 10801.

NORTH CAROLINA

A-1 Animal Ranch, Inc., Post Office Box 528, Kernersville 27284.
Aqua Ram Pet Center, Inc., 4945-4947 Bragg Boulevard/105 Mike Street, Fayetteville 28303.
The Arrows Rabbit Farm, Inc., Route 4, Box 194, Statesville 28677.
Berry Water Gardens, Inc., Post Office Box 607, Kernersville, 27284.
Bio-Chemics Corp., Post Office Box 1250, Lumberton 28358.
M. N. Bondurant, doing business as Bondurant's Hamster Farm, 622 Magnum Street, Reidsville 27320.
Warren E. Bowes, doing business as Bowes Kennel, 818 Frank Street, Roxboro 27573.
Carolina Biological Supply Co., 2700 York Road, Burlington 27215.
A. B. Cooke, doing business as Buffalo Ranch Trading Post, Route 4, Box 365-D, Concord 28025.
William E. Holland, doing business as Holland's Guinea Pigs, 1800 Chapel Street, Winston-Salem 27107.
Evie L. Liles, Box 248, Knightdale 27545.
E. W. McBride, doing business as Mack's Tropical Pet Farm, Route 10, Box 421, Winston-Salem 27107.
Barbara Z. Phillips, doing business as Pearcroft Cattery, Route 2, Box 185, Raleigh 27610.
Southeastern Laboratory Animal Farm, Inc., Route 1, Apex 27502.
John Dorkis Wise, doing business as Carolina Kennels, Route 2, Box 66A, Dunn 28334.

NORTH DAKOTA

Sylvia and Harry Anderson, doing business as Green Acres Kennels, Route 2, Box 40, Ellendale 58436.
Mary Bergquist, doing business as Vell Halla Kennels, 819 19th Street, Bismarck 58501.
Daro, Sr., and Lois Crandall, Cayuga 58013.
Janet Davis, Ellendale 58436.
Amanda Hangston, doing business as Amanda's Poodle Chalet, 602 Second Street NE., Mandan 58554.
Darrell Hill, Oakes 58474.
Louis Hitz, New Rockford 58356.
Elmer and Eldora Klose, doing business as El-Dor Kennels, Route 2, Box 54, Jamestown 58401.
Gladys Klose, doing business as Dakota Prairie Kennels, Route 1, Jamestown 58401.
Charles Krause, Route 2, Mandan 58554.
Dean R. Maus, doing business as Pet Center, 221 Broadway, Fargo 58102.
Leonard G. Moss, doing business as Apple Creek Kennels, Route 1, Box 109, Bismarck 58501.
Jim and E. W. Oliver, doing business as Prairie Acres, Route 2, Box 4, Wahpeton 58075.
Rev. Leslie Otteson, Highway 281, Jamestown 58401.
Lloyd Sjostrom, Route 2, Jamestown 58401.
Walter Webster, Fullerton 58441.

OHIO

Dr. Larry Adkins, doing business as A and R Farm, Route 3, Plain City 43064.
Paul Anthony, doing business as Kiser Lake Kennels, 5940 North State, Route 235, Conover 45317.
Fern Baker, Box 35, East Monroe 45116.
Zane Bailey, 2106 U.S. 68 South, Xenia 45385.
Glen Barstow, doing business as 3-B Pet Farm, 13776 Mayfield Road, Chardon 44024.
Harry J. Beam, Jr., doing business as A. Beam's Animal Hotel, 5414 Wagoner Ford Road, Dayton 45414.
Hubert P. Becker, Route 5, Box 548, Celina 45822.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
Harvey H. Bowman, Star Route, Millersburg 44654.
Breeders, Inc., Rural Route 1, Box 207, West Farmington 44491.
Margie Briley, Rural Delivery 2, Laurelville 43135.
Wilford Brunner, doing business as Brunner Kennel, Rural Route 1, Huntsville 43324.
Lawrence R. Carney, doing business as Perky Pets, 804 Upson Street, Akron 44305.
Carl E. and Sandra F. Cline, doing business as C-S-C-Kennel, 3053 Shrine Road, Springfield 45502.
Chet P. Cole, doing business as Rainbow Aquarium and Pet Supply, 2836 West Market Street, Warren 44485.
Darrell and Clara Day, partners, doing business as K and P Kennels, Post Office Box 49, Bidwell 45614.
John D. Delabar, Route 2, McDermott 45652.
Dietz Aquarium, 12234 Madison Road, Huntsburg 44046.
Docktor Pet Center, Suite 312, Dayton 45459.
Eastwood Pet Center, Inc., 335 Eastwood Mall, Niles 44446.
Funtime, Inc., Post Office Box 184, Aurora 44202.
John J. Gideon, 91 Chaucer Court, Worthington 43085.
Betty J. Grimsley, Rural Route 2, Mt. Sterling 43143.
Roy and Irene Grubaugh, 10750 West Versailles Road, Covington 45318.
Heights Pet World, Inc., 1763 Coventry Road, Cleveland Heights 44118.
H. Holt Hildner, doing business as Petland of Portsmouth, Box 693, Portsmouth 45662.

Franklin D. Howard, Route 5, Box 301, Newark 43055.
Edward and Mary Ruth Iannucci, 5690 Ironwood Court, Apartment B, Columbus 43229.
James Garrett Johnson, doing business as The Briar Patch, 4092 Broadview Road, Richfield 44286.
Alma F. Jones, doing business as Sugar Run Kennels, Route 6, Box 235, Chillicothe 45601.
Bill and Carol King, partners, doing business as King's Wheel Rabbitry, 8085 Camp Road, Route 5, Mt. Vernon 43050.
George and Aristoteles Kratsas, doing business as Parma Pets, 5561 Ridge Road, Parma 44129.
Mary B. Krichbaum, doing business as Dog Patch Kennel, Route 1, Box 347, Ashland 44805.
Lake Erie Junior Nature and Science Center, 28723 Wolf Road, Bay Village 44140.
Garland L. and Susie I. Lanier, Route 2, 307 Debby Drive, Gallipolis 45631.
Robert T. Leibold and Dean F. Fitzwater, doing business as Salem Mall Pet Center, 5200 Salem Avenue, Salem Mall, Trotwood 45426.
Scott and Doug Michael, 5089 Urbana Moorefield Road, Urbana 43078.
Franklyn A. Miller, doing business as Fin, Feather, and Fur Pet Shop, 326 South Chestnut Street, Barnesville 43713.
Dr. Robert C. Miller, 1010 Beverly Avenue, Zanesville 43701.
Mr. and Mrs. Horace L. Mitten, doing business as Pine Drive Kennels, 256 East Jackson Street, Millersburg 44654.
Northland Pet Center No. 210, 1755 Northland Mall, Columbus 43215.
Gino G. Pampanin, doing business as Docktor Pet Center No. 239, 434 Sheraton Drive NW., North Canton 44720.
Charles S. Parsons, doing business as Parson Pet Farm, Post Office Box 253, Wheelersburg 45694.
Manny Peer, doing business as Lake-West Pet and Supply, 1310 West 110th Street, Cleveland 44102.
Gerald Phillips, doing business as Puppy Kingdom, 9100 Miles Avenue, Cleveland 44105.
Pupco, Inc., 1018 Beverly Avenue, Zanesville 43701.
Ravenna Aquatics, Inc., 135 East Main Street, Ravenna 44266.
Theodore Simon, doing business as Docktor Pet Center No. 195, 13 Meadow Lawn, Mentor 44060.
Mrs. Donald Singer, 12721 Orrville Street NW., North Lawrence 44666.
South Dixie Pet Shop, 907 East Dixie Drive, West Carrollton 45449.
A. W. Sterrett, doing business as A. W. Sterrett Laboratory Animals, 2224 Savoy Avenue, Akron 44305.
Ken Stollar and Ray Love, partners, doing business as Belpre Aquarium Supply, 714 Washington Boulevard, Belpre 45714.
P. H. and R. W. Taylor, doing business as Sweetwater Farm, Post Office Box 293, Hillsboro 45133.
Tiki Pet Center, 1635 Tiki Lane, Lancaster 43130.
Bessie Van Sickle, doing business as Sunny Hill's Kennel, Route 4, Box 164, Logan 43138.
Mrs. John Vincent, Rural Delivery 3, Box 41, Athens 45701.
Vine Street Pet Shop, 36235 Vine Street, Eastlake 44094.
Donald F. Weeks, Rural Route 3, Box 149, Sabina 45169.
Paul M. Weiland, 1620 East Main Street, Lancaster 43130.
Donald Wente, doing business as Don's Pet Barn, Route 3, Box 203, Wheelersburg 45694.
James Wente, doing business as Bert's Tropical Fish, Route 5, Box 266, Portsmouth 45662.
Willard Kim Winget, doing business as Ki Wi Pet Center, 1007 Fairwood Avenue, Marion 43302.
Mrs. William V. Workman, doing business as Workman's Lakeview Kennel, 3559 Sellers Drive NE., Millersport 43046.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 2, Box 88, Wynnewood 73098.
Joyce and Everitt Allen, doing business as Puppy Haven Kennel, Route 2, Box 131, Bartlesville 74003.
Mr. and Mrs. R. Brad Barton, doing business as Prairie Hills Kennel, Box 133, Foraker 74638.
Dorothy Bernet, doing business as Runs Flower Shop, Box 172, Claremore 74014.
L. S. Bitters, Rural Route 4, Vinita 74301.
Cecil Bonds, Cheyenne 73628.
Omega Bridges, doing business as Omega Goforth, Route 1, Box 83, Spiro 74959.
Joseph Bunk, Post Office Box 956, Muskogee 74401.
Marilyn J. Carter, Route 2, Box 363, Claremore 74017.
Mrs. Charles D. Cochran, doing business as Cochran's Canine Quarters, Route 3, Box 52, Bristow 74010.
W. E. Davis, Box 179, Sayre 73662.
Thelma Elsberry, doing business as Stony Acres Kennels, Route 1, Box 55A, Chouteau 74337.
Family Dog Kennel, Inc., Route 1, Box 128-1, Weatherford 73096.
Kenneth C. Gahagan, Route 1, Box 127, Drumright 74030.
Mary L. Grigsby, doing business as Mary's Kennel, 512 A Street Southwest, Miami 74354.
Mrs. J. D. Hallmark, Route 2, Box 83, Sulphur 73086.
Jack Harding, Route 1, Box 92A, Lexington 73051.
Lera Harris, Route 2, Box 32, Wagoner 74467.
Mrs. Charles L. Hess, doing business as Nor Sah Kennels, Rural Route 1, Box 1289, Owasso 74055.
Kenneth L. Horner, doing business as Pet World, 931 Nebraska, Norman 73069.
Mr. and Mrs. Alfred J. Horrox, doing business as Coventry Forge Kennels, Rural Delivery 2, Inola 74036.
Dorothy and Kim Hutchison, Box 33, Grove 74344.
John W. Isern, doing business as Jackson County Biological Supply Co., 210 South Hudson, Altus 73521.
Vickie Johnson, Route 2, Box 94, Okmulgee 74447.
Emma Leora Kempster, 207 West Tahl, Sulphur 73086.
Mrs. Gertrude Key, Post Office Box 130, Chouteau 74337.
Lloyd A. Kiddy, 2116 Sallie, Muskogee 74401.
Sharon J. Lockman, Red Eagle Route, Pawhuska 74056.
W. B. Luck, Route 4, Box 552, Muskogee 74401.
Dr. Tom Luker, doing business as Cherokee Kennels, 2800 Center, Tulsa 74105.
Mrs. H. J. Marshall, Box 176, Bokchito 74726.
Bonnie J. McClintock, doing business as McClintock Kennel, 325 South Rogers, Bartlesville 74003.
Chris and Leisha Ann McGowan, Box 33, Arnett 73832.
Mrs. L. A. McLendon, doing business as McLendon Kennels, Route 1, Box 254, Bristow 74010.
George and Judy Montgomery, Rural Route 1, Box 202, Claremore 74017.
Oneta J. Moore, Route 1, Okemah 74859.
Jewel Morehart, 619 West Fifth Street, Cherokee 73728.
Mrs. T. A. Nave, 225 South Osage, Hominy 74035.
Mrs. Merle Neil, Box 253, Welch 74369.
Evelyn Nix, Route 1, Box 177, Vinita 74301.
Mrs. Herbert Parks, Route 1, Box 50A, Barnsdall 74002.
Mallie Ann Rahm, doing business as Windy Point Kennel, 2330 South Washington, Bartlesville 74003.
Jean Reed, doing business as Reed's Kennels, Route 2, Box 364, Sand Springs 74063.
Mary Ann Reese, doing business as Reese's Dog Kennel, Route 1, Box 28, Watts 74964.
Hugh E. and Sharon L. Rodgers and Melvin C. and Ethel Sunn, doing business as Re'i Kennels, Route 1, Box 79, Ramona 74061.
Ronald D. Sartin, doing business as Tsarin Kennel, Route 3, Box 77, Sedan 67361.
Margie Scism, Route 1, Box 163B, Morris 74445.
Mrs. Margaret Sims, doing business as Sims Kennel, 1002 South Osage, Okmulgee 74447.
Paul Slape, Route 1, Box 8, Braggs 74423.
Raymond Southerland, Jr., doing business as Valley View Kennels, Post Office Box 1612, Tulsa 74101.
C. A. and Lora Sprinkles, Route 2, Box 100A, Okmulgee 74447.
D. R. Stith, doing business as Dogpatch Kennel's, Route 2, Bartlesville 74003.
Mrs. Allene Surrell, Route 4, Atoka 74525.
E. Wayne Turner, doing business as T and T Kennels, Route 2, Box 76, Sayre 73662.
Evelyn L. Walker, doing business as Ranchs Valley, Inc., Route 3, Box 74, Tecumseh 74873.
Fern F. Weeks, Route 1, Westville 74965.
Linda K. Wilkerson, Route 2, Tecumseh 74873.
Raymond L. Wilson, Route 3, Box 78, Chelsea 74016.
Tim Youree and John Slides, doing business as Sandy Hill Kennel, 16 Anchor Drive, Sayre 73662.

OREGON

Ramon R. Adney, Post Office Box 340, Hubbard 97032.
Frances Aplet, Route 3, Box 429, Lebanon 97355.
Ann Axford, doing business as Axford's Rabbitry, Post Office Box F, Canby 97013.
C. R. Bailey, Route 1, Box 1100, Roseburg 97470.
David R. Berry, doing business as La Berry Kennels, Route 1, Box 242, Coos Bay 97420.
Helen J. Blacklaw, Route 2, Box 408, Lebanon 97355.
June E. Bourns, 845 Pacific Avenue, Coos Bay 97420.
June Bozeman, doing business as Bozeman's Allegany Kennels, 456 North Coos River Road, Coos Bay 97420.
Betty Carlson, 475 Freeman Road, Central Point 97501.
Mrs. Mandus Carlson, 3500 Bailey Hill Road, Eugene 97405.
Dee I. Carter, Route 2, Box 408, Lebanon 97355.
Betty A. Conner, doing business as Mee Jae Kennels, 2580 Kincaid Road, Williams 97544.
Mary Conrad, doing business as Marco Kennel, 1118 Spring Street, Medford 97501.
P. A. Crawford, Route 2, Box 239-A, Sheridan 97378.
Kenneth D. Crosbie, 5526 North Delaware, Portland 97217.
James W. Dennis, 514 Wilson Street, Lafayette 97127.
Donald D. and Patricia J. Dixon, partners, doing business as Triple D. Rabbitry and Processing, Route 2, Box 1719, Sandy 97055.
Rita M. Durrell, doing business as Cherry Hill Kennel, Route 2, Box 38, Philomath 97370.

Eunice Eddy, doing business as Puppy Time Kennels, Route 3, Box 391, Veneta 97487.
Mr. and Mrs. Guy Gillaspey, doing business as Black Star Kennels, 605 Missouri Flat Road, Grants Pass 97526.
Myrna M. Green, doing business as Jo-My Kennel, 2554 Stearns Way, Medford 97501.
Bernarr and Christa Hansen, doing business as Hansen's Kennel, Route 1, Box 697-A, Roseburg 97470.
Golda J. Howlett, doing business as Roxie-Rogue Kennel, 3835 Crater Lake Highway, Medford 97501.
Hazel Jack, 3436 South Stage, Medford 97501.
Maxine Jackson, doing business as The Jackson Kennels, 950 Garfield Street, Coos Bay 97420.
Mr. and Mrs. Richard V. Kilmer, 4988 Delaney Road SE., Salem 97302.
Carol Lackey, doing business as Ron-Del Kennels, 3455 Jacksonville Highway, Medford 97501.
Mrs. Mary Lambert, doing business as Mary Lambert Kennels, 470 California Avenue, Grants Pass 97526.
Ken and Evelyn Lawrence, doing business as Windy Acres Siberian Husky Kennel, 414 53 NW., Salem 97304.
Richard R. Lubbers, doing business as Evergreen Rabbitry, 3499 Gilham Road, Eugene 97401.
Dova M. Maine, 1534 Woodland Drive, Coos Bay 97420.
William Michael and Roberta M. Burk, doing business as Buckeshire Glen Kennels, 1709 Woodlawn Drive, Medford 97501.
Faye M. Miles, Post Office Box 701, Coos Bay 97420.
Mary L. Milhoan, doing business as Rogueland Kennel, 1272 Gibbon Road, Central Point 97501.
Grover T. Mulkey, doing business as Rock Cove Kennels, 2271 Rouge River Highway, Gold Hill 97525.
Dorothy J. Nelson, doing business as Eireann Kennel, Toketee Route, Box 67-A, Idleyid Park 97447.
Gerald E. Patterson, doing business as Twin Oaks Kennel, 20066 Antioch Road, Central Point 97501.
Dale Pennie, Post Office Box 142, Grand Ronde 97347.
Robert G. Shoemake, doing business as R. G. Kennels, 3014 Southwest Florida, Portland 97219.
Mr. and Mrs. Fred W. Smith, doing business as Maywood Kennels, Route 3, Box 241, Newberg 97132.
Mrs. John E. Smith, 5358 South Pacific Highway, Medford 97501.
Doris M. Sorensen, doing business as Waldo Kennels, 1720 Prune, Medford 97501.
Rose E. Steinke, doing business as Pamper Petland, Route 3, Box 604, Hillsboro 97123.
Kenneth R. Stephens, Post Office Box 326, Newberg 97132.
Cynthia Stine, doing business as Dogpatch Kennels, Star Route Box 60, Winston 97496.
Sundrift Kennels, Route 1, Box 2, Alsea 97324.
Mary E. Thedos, 2688 North Bay Drive, North Bend 97459.
Jincy D. Van Ronk, doing business as V. R. Research Animals, Route 3, Box 175, Newberg 97132.
Diane West, 5075 South Fork L.B. Creek, Eagle Point 97524.
Beulah White, doing business as Forest Creek Kennels, Post Office Box 654, Jacksonville 97530.
Joyce Williams, doing business as Laurel Acres Kennel, 9680 Blackwell Road, Central Point 97501.
Mr. and Mrs. Roger D. Wilson, doing business as Willoglen Kennel, 82143 North Davison Road, Creswell 97426.

PENNSYLVANIA

Ambridge Aquarium, 15th and Duss Avenue, Ambridge 15003.
Best of Quality Brokers, Inc., 2006 Chestnut Street, Philadelphia 19103.
Bill's Tropical Fish, 1300 Memorial Boulevard, Connellsville 15425.
Bio-Medical Associates, Inc., Box 307, Gilbertsville 19525.
Buckshire Corp., 2025 Ridge Road, Perkasie 18944.
Bunnyville Farm, Rural Delivery 2, Littlestown 17340.
C and E Pet Shop, 891 Market Street, Meadville 16335.
Docktor's Pet Center No. 40, York Mall, York 17402.
Lindas Dovydenas, 515 Simerell Road, Clarks Summit 18411.
Dutchland Lab Animals, Inc., Box 139A, Denver 17517.
Sam Esposito, doing business as Quaker Farm Kennels, Rural Delivery 1, Box 137A, Quakertown 18951.
William C. Fleming, doing business as Deb-Mar Petland, 358 Greengate Mall, Greensburg 15601.
Harvey E. Fogel, Rural Delivery 1, Lehighton 18235.
Betty Free, 1339 Richland Pike, Rural Delivery 4, Quakertown 18951.
Fletcher Funkhouser, Rural Delivery 2, Jonestown 17019.
Mildred L. Gerber, Rural Delivery 2, Dillsburg 17019.
Harold O. Gingrich, Rural Delivery 1, Fredericksburg 17026.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Hilltop Lab Animals, Inc., Rural Delivery 1, Post Office Box 195, Scottdale 15683.
Charles A. Hockenberry, doing business as Perry Valley Kennels, Blain 17006.
Huntingdon Farms, Inc., 1075 New DeHaven Road, West Conshohocken 19428.
Anna H. Hurst, doing business as Puppy Place, 120 East Main Street, Leola 17540.
Russell B. Hutton, Route 1, St. Thomas 17252.
Dan S. Kinsinger, Rural Delivery 1, Box 48, Meyersdale 15552.
Loveland Pet Store, Fayette Plaza, Uniontown 15401.
John C. Lowrey, doing business as Dalmation Research Foundation, 720 Woodberry Road, York 17403.
George E. Miller, Rural Delivery 2, Palmyra 17078.
Neamand's White Eagle Farm Corp., 2015 Lower State Road, Doylestown 18901.
Pampered Pet Shop, 236 Pine Street, Williamsport 17701.
Pet World, 1324 East Carson Street, Pittsburgh 15203.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Lennah J. Preuss, doing business as Noah's Ark Pet Center, 225 South Main Street, Cambridge Springs 16304.
Rachelwood Wildlife Research Preserve, Rural Delivery 1, New Florence 15944.
Reptile Specialties, Post Office Box 3791, Philadelphia 19125.
Richard's Pet-O-Rama, Rural Delivery 5, Gettysburg 17325.
Rockland, Inc., Box 316, Gilbertsville 19525.
Bruce K. Rotz, Rural Delivery 2, Shippensburg 17257.
Charles W. Sanders, doing business as Charles Live Bait and Pet Shop, Route 1, Milton 17847.
Safari Pet Land, 932 Brookline Boulevard, Pittsburgh 15226.
Anna Smith, doing business as Bloomingdale Kennels, Route 2, Lehighton 18235.
Gary J. Smith and Wayne P. Owens, partners, doing business as Bedminster Rabbitry, Box 48, Bedminster 18910.
Gilbert C. Smythe, doing business as House of Pets, 1717 Cochran Road, Pittsburgh 15220.
Three Springs Kennel Co., Inc., Rural Delivery 1, Zellenople 16063.
Marlin U. Zartman, doing business as Zartman's Farms, Rural Delivery 2, Box 3, Douglassville 19518.
Marlin U. Zartman, doing business as Gilbertsville Sales Stables, Rural Delivery 2, Box 3, Douglassville 19518.

RHODE ISLAND

John I. Andrew, doing business as John I. Andrew & Son Rabbitry, 475 Hooper Street, Tiverton 02878.
James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.
Joseph Carrier, Rural Free Delivery 3, Woonsocket 02895.
Arthur L. Dunbar, Box 15, Vaughn Hollow Road, Greene 02827.
Francis Fenner, doing business as Fenner's Rabbitry, Box 93, Kenyon 02836.
S. Burton Mowry, Rural Route 3, Esmond 02917.
William E. and Pearl E. Nightingale, doing business as Gloucester Rabbitry, Mount Hygeia Road, Chepachet 02814.
John A. Pellam, Box 303, Charlestown 02813.
Andrew B. Perra, doing business as A & B Rabbitry, 1429 Centerville Road, West Warwick 02893.

SOUTH CAROLINA

Joseph Peter Byrd, doing business as Byrd's Rabibtry, 2432 Savannah Highway, Route 13, Charleston 29407.
Oline and Francis Peterson, partners, doing business as Pete's Tropical Fish, and Pet Shop, 1902 Cherokee Avenue, Laffney 29340.

SOUTH DAKOTA

Lyman D. Carson, doing business as Lyne Albr Kennels, Route 2, Box 2, Flandreau 57028.
Norman H. French, doing business as French's Pet Center, Lewis Southgate, Sioux Falls 57105.
Mrs. Everett J. Leslie, Route 1, Lennox 57039.
Mel Overweg, New Holland 57364.
Jean and Donald Pearson, doing business as Aqua Kingdom, 1228 Mount Rushmore Road, Rapid City 57701.
James Reinartz, Rural Route 1, Box 73, Plankinton 57368.
Dale W. and Agnes F. Sjerven, doing business as TWO-KOTA—No. 2, 136 St. Francis, Rapid City 57701.

TENNESSEE

Kermit G. Hancock, doing business as Big Bell Ranch and Spring Creek Ranch, 2555 Poplar Avenue, Memphis 38112.
William L. Hargrove, Jr., West Avenue, Medina 38355.
Joe H. Shanklin, doing business as Hilltop Rabbit Ranch, 106 Walnut Lane, Columbia 38401.
Southern Biological Supply Co., Post Office Box 68, McKenzie 38201.

TEXAS

Dan Aldridge, Route 4, Comanche 76442.
John Anderson, doing business as Anderson Pet Farm, Forestberg 76239.
Robert L. Appling and Melvin Etzel, doing business as Gibson Pet Shop, 900 East Highway 83, McAllen 78501.
Aquarium Pet, Box 1069, U.S. 87 South, Big Spring 79720.

Katheryn Archey, doing business as Rainbow Pet Shop, 736 Ninth Avenue, Port Arthur 77640.
Mary Barron, doing business as Aquarium & Cage, 603 North Jackson Street, San Angelo 76901.
B. C. Baumann, doing business as The Hamster House, 1108 Wayne Street, Fort Worth 76117.
Baylor College of Medicine, 1200 Moursund Avenue, Houston 77025.
Sharon Beemer, Route 2, Box 260, Nocona 76255.
Alvin Blom, doing business as Al Blom Rabbitry, 7903 Stebbins Drive, San Antonio 78228.
Robert R. Boone, doing business as Neptune Pet Center, 2936 Palmer, Texas City 77590.
Clifford J. Boutin, doing business as C & S Rabbitry, Route 1, Box 90A, Buna 77612.
Jay Brandvik and O. G. Keeton, doing business as J. J.'s Kennel, Star Route, Gruver 79040.
W. E. Burke, Jr., doing business as Burke's Pet Shop, 3916 Avenue O, Galveston 77550.
Frederick C. Burgess, doing business as Doctor Pet Center, 604 Sher Den Mall, Sherman 75090.
Dr. Henry F. Carwile, Route 1, Box 204, Montgomery 77356.
Colony Pet and Hobby Shop, 3719C Colony Mall, San Antonio 78230.
Dr. Lavell T. Davis, 2500 West Morton, Denison 75020.
Richard Aldin Davis, doing business as House of Pets, Inc., 4021 Old Spanish Trail, Houston 77021.
Granville Dawson, Post Office Box 181, Caldwell 77836.
Jewell A. and R. W. Dodd, doing business as The Pet Center, 6710 Camp Bowie, Fort Worth 76116.
Lois Douthit, doing business as Abilene Aquarium & Pet Shop, 1625 Butternut, Abilene 79602.
H. Marcine Duncan, doing business as Fishin' Hole Pet Shop, 122 North Main Street, Denver City 79323.
C. T. Eudy and Don Alford, doing business as House of Pets, 2003 A Third Street, Lubbock 79410.
Joe Evridge Animals, Route 3, Box 206, Comanche 76442.
Caroline J. Handl, doing business as K-9 Kennel & Horse Care Center, Route 5, Box 156A, Lubbock 79407.
Rivers Howell, doing business as Petland, 2636 34th Street, Lubbock 79410.
Darlene G. Humphreys, doing business as Aquarius Pet Center, 1418H Spencer, South Houston 77587.
Laredo Garden Center & Pet Shop, 3020 Meadow, Laredo 78040.
Billy Leopard, 921 East Highway 83, Donna 78537.
Leon Leopard, doing business as Vivo Animals, Post Office Box 7352, Waco 76710.
F. L. & I. B. Lindenthal, partners, doing business as Thunderbird Kennels, 7229 Barker Road, El Paso 79915.
Otto Martin Locke, Post Office Drawer 731, New Braunfels 78130.
Dr. J. L. Markham, doing business as Markham Veterinary Clinic, Box 7, Canyon 79015.
John W. Mecom, Sr., doing business as Mecom Ranch, Star Box 75K, Laredo 78040.
Mr. Jack R. Nelson, Jr., doing business as Pet O' Plenty Pet Shop, 921 North Tenth Street, McAllen 78501.
Carmon Nichols, doing business as C-N Kennel, 103 Elm Street, Bonham 75418.
C. E. and Alma A. Ogg, doing business as Big "O" Rabbitry, Route 3, Box 243, Orange 77630.
James D. Park, Jr., doing business as Park Rabbitry, Route 1, Box 175A, Kountze 77625.
Parks & Recreation Department, Box 2000, City Hall, Lubbock 79457.
Delano Phillips, doing business as Phillips Canine Care, Box 493, Levelland 79336.
George Pierce, doing business as Clayco Kennels, Henrietta 76356.
Rana Laboratories, Post Office Box 3103, Brownsville 78520.
Richard Slovack, doing business as Rich-Glo Lab Animals, Route 3, Box 10-A, El Campo 77437.
Melton D. Stanley, doing business as Stanley Kennel-Game Farm Pets, Route 2, Box 29, Rising Star 76471.
Frank W. Thompson, doing business as Rostex Kennels, PSR Box 20B1, Weatherford 76086.
Ernest Troop, doing business as Troop's Pet Shop, Box 51, Bruni 78344.
Kenneth E. Webb, doing business as B & W Tropical Fish & Supply Center, 5020 Sixth Street, Port Arthur 77640.
Emma L. West, doing business as West End Pet Shop, Post Office Box 7186, Beaumont 77706.
F. W. Bert Wheeler, doing business as Camp Cooley Ranch, Post Office Box 20027, Houston 77025.
Whitman's Inc., Post Office Drawer 1712, Brownsville 78520.
Wilkinson Pet Store, Inc., 5019 Trail Lake Drive, Fort Worth 76133.
Woolco No. 6135, 2424 North Expressway, Brownsville 78520.
Woolco Department Store, 1422 Southwest Military Drive, San Antonio 78224.

UTAH

Roy J. Boucher and Glenn C. Harkins, doing business as G and R Calf Palace, 1952 East 9800 South, Sandy 84070.
Thomas F. Imlay, doing business as Animals for Research, 4996 South Redwood Road, Murray 84107.
Mrs. Urban C. Tramp, doing business as Sunny Acres, 924 North Harrisville Road, Ogden 84404.
Mrs. Melva Ward, doing business as Melvern Kennels, 500 West 11400 South, Sandy 84070.

VERMONT

William O. Alexander, doing business as Wil-Con Rabbitry, Rural Free Delivery 3, Brattleboro 05301.
Frederick H. Bruneault, doing business as Valley View Rabbit Farm, Rural Free Delivery 1, West Rutland 05777.
Charles A. Connor, doing business as Connor and Sons Rabbitry, Post Office Box 293, East Wallingford 05742.
William J. Duby, Colchester 05446.
Theodore H. Hubbard, Cold River Road, Rutland 05759.
Pet-a-Goria, 44 Lake Street, St. Albans 05478.
Rosaire Paradis, Rural Free Delivery 1, Enosburg Falls 05450.

VIRGINIA

Nicholas C. and Paula H. Ayers, partners, doing business as Ayersco Animal Farm, Route 1, Box 297 C-9, Manquin 23106.
William R. and Thelma C. Baker, partners, doing business as Leash and Collar Shop, 3818 Granby Street, Norfolk 23504.
V. W. and Frances N. Bear, doing business as Briarcliff Reg., 100 Etheridge Road, Roanoke 24018.
Cappet Corp., 530 North Henry Street, Alexandria 22314.
Cloverleaf Pet Co., Inc., 7201 Midlothian Pike, Richmond 23225.
J. C. Corell, doing business as Old Dominion Cavy Farm, Route 1, Box 213, Waynesboro 22980.
H. M. Curtis, doing business as Falls Church Rabbitry, 401 East Jefferson Street, Falls Church 22046.
Sidney J. Edwards, doing business as Edwards Kennel, 4401 Greendell Road, Chesapeake 23321.
EGCP, Inc., doing business as Pet Supply Center, 7915 Tidewater Drive, Norfolk 23505.
Joe Haley, doing business as Haley Farm, Route 4, Box 397, Gretna 24557.
Hazleton Research Animals, Inc., 9200 Leesburg Turnpike, Vienna 22180.
Heretick Feed and Seed Store, 417 South 15th Avenue, Hopewell 23860.
Noel E. Leach, doing business as Leach Kennels, Route 3, Box 70, Chase City 23924.
Freel P. Mullins, Route 1, Box 178, Clintwood 24228.
Jack T. Musick, 2323 Shakesville Road, Bristol 24201.
W. Martin and Nellie C. Harris, partners, doing business as Nelmar Kennel, Raphine 24472.
Earl and Dorothy J. Parsons, doing business as Tropical Fish Haven, 3510 Williams Road, Roanoke 24012.
Pet Mart—Tavern Square, 414 Cameron Street, Alexandria 22314.
Robert J. Powell, Jr., doing business as Cherry Grove Rabbit Ranch, Bell Creek Road, Mechanicsville 23111.
Mrs. Patsy F. Purdy, 4102 Vermont Avenue NW., Roanoke 24017.
Martin L. Roy, doing business as Roy's Rabbitry, Route 2, Box 27-B, Warrenton 22186.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.
Joseph R. Smith, doing business as JBJ Rabbitry, Route 3, Box 311, Lynchburg 24504.
Earl A. Stinson, doing business as Bunker Hill Rabbitry, Route 1, Box 68-E, Unionville 22567.
William T. Stuart, Post Office Box 166, Gainesville 22065.
C. W. Stultz, doing business as Stultz Pet Center, 4447 Fontaine Drive SW., Roanoke 24018.
The Pet Shop, 89 South Liberty Street, Harrisonburg 22801.
John F. Thompson, Route 2, Box 63, Saltville 24370.
Weston Research Laboratories, Inc., Route 1, Box 33, Purcellville 22132.
Mrs. Fred Wiggington, Route 1, Box 211, Chantilly 22021.
M. W. Womack, Route 1, Box 220-A4, Carrollton 23314.
S. B. York, Jr., Route 14, Box 125, Richmond 23231.
Mrs. Mike Zazzaretti, doing business as Beechwood Rabbitry, Box 54, Claremont 23889.

WASHINGTON

City of Colfax, Post Office Box 229, Colfax 99111.
H. D. Cowan, doing business as Showline Beagles, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F., partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99055.
Prescott R. and Linda M. Hoeck, doing business as Scott's Rabbit Products, Rural Route 1, Box 93, Langley 98260.
Lab Associates, Inc., 13640 132nd Avenue NE., Kirkland 98033.
William R. Moery, 6425 208th Avenue NE., Redmond 98052.
Dick and Doris Pease, doing business as Bear Creek Research Laboratory, 15550 Mink Road, Woodinville 98072.
H. C. Thuline, doing business as Physicians Laboratory Services, 8205 104th Street SW., Tacoma 98498.
Town of Colton, Colton 99113.
John C. Wilcox, 26601 Pacific Highway South, Kent 98031.

College Biological Supply, Inc., Post Office Box 250117, Northgate Station, Seattle 98125.

WEST VIRGINIA

Herbert J. Berst, Box 12, Three Churches 26765.
Ella Jane Custer, doing business as Custer's Kennels, 1073 McColloch Street, Wheeling 26003
Everett Hill, Route 1, Box 68, Glenwood 25520.
Mike McCormack and Jim Dinwiddie, partners, doing business as Kaboom Kennels, 234 Daugherty Drive, Barboursville 25504.
Larry R. Reall, doing business as Twin Maples Rabbitry, Route 1, Box 594, Ridgeley 26753.

WISCONSIN

Wayne Anderson, Route 2, Box 160, Richland Center 53581.
Robert C. Burks, doing business as Burk's Rabbitry, 4048 Nicholson Road, Franksville 53126.
Louis E. Doubek, Route 2, Two Rivers 54241.
Louis S. Duellman, doing business as Hilltop Rabbitry, Route 5, Manitowoc 54220.
Hassen Hutch, Inc., Rural Route 3, Airport Road, Watertown 53094.
Earl Klubertanz, doing business as Klubertanz's, Route 1, Box 91, Edgerton 53534.
Wilmer F. Klug, doing business as Greenleaf Rabbitry, Route 1, Greenleaf 54126.
Norvin A. Krug, doing business as Oakfield Cavies and Rabbitry Farm, Route 1, Oakfield 53065.
Fred C. Marx, Route 1, Elkhart Lake 53020.
Nasco-Life Sciences Division, Janesville Avenue, Fort Atkinson 53538.
Gerald K. Nyhof, Route 1, Oostberg 53070.
Marvin O'Brien, Route 3, Syene Road, Madison 53713.
Con Olson Co., Inc., Box 4021, Madison 53711.
Walter Peuschel, 13101 North Wauwatosa Road, 76 West, Mequon 53092.
Ridglan Farms, Inc., 301 West Main Street, Mount Horeb 53572.
Lawrence B. Rosenthal, 157 Hamilton Place, Fond Du Lac 54935.
Peter N. Schaller, Route 2, Plymouth 53073.
Ervin E. Stebane, Route 3, Kaukauna 54130.
C. M. Stoller, doing business as Charone Animal Ranch, Post Office Box 993, Racine 53405.
Gary Tiedt, Route 4, Beaver Dam 53916.
Frank J. Wachowski, Route 2, Two Rivers 54241.
Arthur J. Wiesner, Route 1, Valders 54245.
Bruce Winter, Route 2, Mayville 53050.

WYOMING

Clayton Allen, doing business as Cherry Creek Kennel, Box 1312, Torrington 82240.
Betty Jane Bookout, Box 649, Wheatland 82201.
Mary Ann Booth, doing business as Booth Kennels, Veteran 82243.
Hugh Brady, doing business as Brady Wyoming Kennels, Lagrange 82221.
Louis M. and Doris V. Clemens, doing business as Shanan Kennels, Box 296, Mills 82644.
Rose L. Foote, Route 2, Wheatland 82201.
Mr. and Mrs. Carl Oberg, Star Route, Torrington 82240.
John C. and Kathleen A. Pettry, doing business as San Sabaka Mero Kennels, Post Office Box 167, Chugwater 82210.
Mrs. Elane Roby, Box 248, Wheatland 82201.
Mrs. Naomi Sanders, doing business as Sanders Kennels, Box 127, Lagrange 82221.
Arthur Sherard, Lagrange 82221.

Done at Washington, D.C., this 17th day of January 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-1415 Filed 1-24-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-328]

MONTPELIER TANKER CO. ET AL.

Notice of Multiple Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo-carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Type of ship	Name of ship
Montpelier Tanker Co., 888 Seventh Avenue, New York, N.Y. 10019.	Tanker....	SS Montpelier Victory.
Newport Tankers Corp., Suite 2023, One World Trade Center, New York, N.Y. 10048	Tanker....	St. Achilles.
Blackships, Inc., 430 Seventh Avenue, Pittsburgh, PA 15230.	Tanker....	Gulf King. Gulf Knight. Gulf Prince. Gulf Queen.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before January 31, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 22, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1577 Filed 1-24-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. C-380]

LAWRENCE C. BATES AND BETTY L. BATES

Notice of Loan Application

JANUARY 18, 1973.

Lawrence C. Bates and Betty L. Bates, Post Office Box 188, Fort Bragg, Calif. 95437, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wooden vessel, about 50-foot in length, to engage in the fishery for salmon, tuna, and Dungeness crab off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, by February 26, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-1498 Filed 1-24-73;8:45 am]

Office of Import Programs

VETERANS' ADMINISTRATION HOSPITAL, SAN FRANCISCO, CALIF. ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by February 15, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00192-00-46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. Article: Diamond Knife for LKB Microtome, 2 mm., edge. Manufacturer: Instituto Venezolano De Investigaciones Cintificas, Venezuela. Intended use of article: The article is to be used to obtain ultrathin sections of plastic embedded blocks of brain tissue infected by viruses. Sections so obtained must be as thin as possible and free of artifacts such as scratches etc. Application received by Commissioner of customs: October 3, 1973.

Docket No. 73-00317-33-46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut sections of variable thickness of pathological specimens from patients which are to be examined by electron microscopy. The article will also be used to train residents, future investigators at the doctoral level and also technologists in electron microscopic techniques. In addition, the article will be used for the training of M.D./Ph. D. scholars in research. Application received by Commissioner of Customs: January 3, 1973.

Docket No. 73-00318-33-46500. Applicant: University of Michigan, Mental Health Research Institute, 205 North Washtenaw, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of biological material, primarily brain tissue or fractions thereof. The primary interest is the biochemistry and ultrastructure of proteins and lipids in the nervous system. The experiments to be conducted involve the technique of electron microscopic radioautography. The article will also be used to educate scientists with a wide variety of interests in the basic techniques of electron microscopy. Application received by Commissioner of Customs: January 3, 1973.

Docket Number: 73-00319-33-46040. Applicant: United States Environmental Protection Agency, Gulf Breeze Environmental Research Laboratory, Gulf Breeze, Fla. 32561. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the normal and pathologic cells and tissues of estuarine and marine invertebrates, and fishes. In addition to experimental studies, the instrument will be used to diagnose possible causes of death in marine organisms from "wild" to natural populations. The article will also be used for educational purposes in providing staff members of the immediate laboratory and the surrounding educational institutions limited instruction in the use of the electron microscope. Application received by Commissioner of Customs: January 5, 1973.

Docket Number: 73-00320-33-46040. Applicant: The University of Texas, Medical School at Houston, 243 John H. Freeman Bldg., Texas Medical Center, Houston, Tex. 77025. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of human tissue obtained by biopsy, which include both normal and abnormal ultramicroscopic changes. The morphology of the tissue will be studied in relationship to the disease it shows, particularly changes induced by neoplasm and by viral agents. Specific properties to be studied are cell membranes, lysosomes and other vacuoles, microtubular apparatus and nucleoli. The article will also be used in the training of medical students, residents and special fellows to teach research attitudes and techniques and improve the student's ability to think logically and use the scientific method as a medical practitioner. Application received by Commissioner of Customs: January 5, 1973.

Docket Number: 73-00321-33-46040. Applicant: University of Wisconsin, Laboratory of Neurophysiology, 283 Medical Sciences Bldg., Madison, Wis. 53706. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for the study of the ultrastructure of the brain of various animals. The area of interest is the hypothalamus, particularly the ependyma of the third ventricle. The article will also be used for advanced training of graduate students and postdoctoral students. Application received by Commissioner of Customs: January 5, 1973.

Docket No. 73-00322-99-61800. Applicant: Herkimer County Board of Cooperative Educational Services, 132 West German Street, Herkimer, N.Y. 13350. Article: Planetarium Projector, Model MS-8. Manufacturer: Minolta, Japan. Intended use of article: The article together with the control console will be used in Astronomy 1, Astronomy 2 and Concepts in Science, grades 3-12 to demonstrate (1) astronomical phenomena, (2) astronomical and navigational measurement techniques, (3) observational data from which laboratory exercises shall be completed, (4) material for an apprenticeship program for teacher training in planetarium operation and (5) laboratory equipment for student operation in required courses. Application received by Commissioner of Customs: January 5, 1973.

Docket No. 73-00323-33-46500. Applicant: Sloane Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to examine histochemical and proliferative characteristics of epithelial and specialized cells lining the

alimentary canal. Analysis of the incorporation of ^{3}H and ^{14}C labeled precursors into nucleic acids and proteins of cells of normal and diseased gastrointestinal origin will be conducted. These investigations aim to describe and define normal patterns of cell replacement as well as contrast premalignant and malignant changes in proliferation and differentiation. The article will also be used in the course "Radioisotopes and Cytology" designed to teach students the basic aspects of cytology and the use of radioactive isotopes as well as educate them in the use of instruments employed in the study of cell structure, function and metabolism. Application received by Commissioner of Customs: January 5, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1542 Filed 1-24-73;8:45 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00643-33-46070. Applicant: University of Wisconsin, Department of Entomology, 237 Russell Laboratories, 1630 Linden Drive, Madison, WI 53706. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies extending to and elucidating the nature of the sensory receptor cell membrane in different states of excitation. The article will also be used for recording and observation of changes in the distribution and number of other microcomponents of the receptor cell, many of which are in the 100 angstrom area of dimension. Other studies concern the determination of glial cell organization, which cells surround the receptor cell axons and the ultrafine dendritic terminals in the finer labellar bristles of many types of flies. The article will also be used to impart to the advanced undergraduate and graduate student the fundamental principles of SEM so that individual can pursue independent SEM observations on materials pertaining to his (or her) research or other interest.

Comments: Comments dated August 22, 1972, have been received from ETEC Corp. (ETEC) which allege inter alia that its autoscan SEM system, model U-1 and accessories is of equivalent scientific value to the foreign article. A letter dated August 29, 1972, from the Advanced Metals Research Corp. (AMR) which alleges inter alia that "the AMR Model 900 * * * is fully competitive, if not superior to, [the foreign article] in * * * scientific capability * * *" was received after expiration of the comment period and is being treated as an offer to provide additional information pursuant to § 701.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 18, 1971).

Reasons: This application is a resubmission of Docket No. 72-00136-33-46070 which was denied without prejudice to resubmission on May 2, 1972, due to informational deficiencies. The Department of Health, Education, and Welfare (HEW) in its memorandum dated October 20, 1972, advised that the best resolution available is pertinent (within the meaning of § 701.2(n) of the regulations) to the research studies of the sensory receptor unit membrane and other microcomponents of photoreceptor cells. The foreign article has a guaranteed resolution of 100 angstroms. The ETEC and AMR instruments now guarantee 100 angstroms. However, at the time the foreign article was ordered their instruments had guaranteed resolutions of 200° angstroms and 100 to 150 angstroms, respectively. HEW further advises that 100 angstroms resolution was not available in domestic scanning electron microscopes most nearly comparable to the foreign article at the time the foreign article was ordered. We, therefore, find that neither the Model U-1 nor the AMR-900 was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-1543 Filed 1-24-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SECRETARY'S TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Public Meeting

Pursuant to the Federal Advisory Commitee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in § 10(a) (1) and (2) of the act:

Committee name	Date/time/place	Type of meeting and contact person
Secretary's Technical Advisory Committee on Poison Prevention Packaging.	Feb. 1 and 2, 9 a.m., South Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, DC 20036.	Open-Executive Secretary, Mr. Samuel M. Hart, Room 228, 5401 Westbard Avenue, Bethesda, MD 20016, 301-496-7685.

Purpose. Makes recommendations to the Commissioner of Food and Drugs for implementation of special packaging of household products.

Agenda. On Thursday, February 1, 1973, 9 a.m., the agenda will include introductory remarks, Commission on Consumer Product Safety, and status report. At 2 p.m., drugs and child-resistant packaging and promotionally distributed samples and child-resistant packaging will be discussed; and on Friday, February 2, 1973, 9 a.m., there will be a panel discussion on the packaging process testing procedure.

The meeting of the committee will be open to the public, and a period of time will be allotted for public participation. Members of the public who wish to participate are requested but not required to submit by January 30 their names, issues they intend to discuss, and any pertinent documentation to the committee's executive Secretary, the contact person.

A verbatim transcript will be kept and made available for public inspection at the office of the contact person for the committee. Persons desiring copies of the transcript should contact Ace-Federal Reporters, Inc., 415 Second Street NE., Washington, DC 20002.

A list of committee members and summary of minutes of the meeting may be obtained from the contact person.

Dated: January 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1615 Filed 1-24-73;8:45 am]

METAL CONTAINERS FOR 12 ASPIRIN TABLETS

Temporary Exemption From Requirements for Poison Prevention Packaging

The Commissioner of Food and Drugs has received petitions from Sterling Drug, Inc., and American Home Products Corp. requesting exemptions from the child protection packaging requirements as they pertain to 12-tablet metal containers (tins) of aspirin. Copies of the two petitions and attachments have been filed with the Food and Drug Administration Hearing Clerk and may be viewed there during working hours, Monday through Friday.

1. The petitions contend that, because tins of 12 meeting the requirements for

child protection packaging have not yet been developed, such packaging is not "technically feasible, practicable, and appropriate" and thus may not lawfully be required under § 3(a)(2) of the Poison Prevention Packaging Act of 1970.

The Commissioner rejects this argument. The statute requires only that special packaging for a given substance be technically feasible, practicable, and appropriate in general terms, and that requirement has been met with respect to aspirin. There is an abundance of special packaging in which aspirin is being sold. Indeed, there is an abundance of special packaging that could contain 12 tablets of aspirin. Petitioners have failed to point to any reference in the statute or the legislative history indicating that Congress intended the Food and Drug Administration to permit the use of a noncomplying package because technology presently has not developed a complying package of that particular type, even though numerous other complying packages are available. Such a position would subvert the entire purpose of the act, and the Commissioner rejects it.

2. The petitioners contend, on the basis of surveys showing a relatively small amount of aspirin in tins contained in the household, that these products are not "household substances" as that term is defined in § 2(2) of the Poison Prevention Packaging Act of 1970 and thus fall outside the jurisdiction of the act.

The Commissioner also rejects this argument. It does not appear that the survey included automobile glove compartments, coat pockets, purses, and other similar places where small packages of this type might reasonably be stored in and around the household. Moreover, even if only a small amount of a substance is consumed or used, or customarily stored, by individuals in or around the household, that is sufficient to bring the product within the purview of the act. Accordingly, the Commissioner rejects any contention that these products are not fully subject to the requirements of the act.

3. The third contention of the petitioners is that the amount of aspirin contained in the 12-tablet tin is insufficient to cause children the "serious personal injury or serious illness" required under § 3(b)(2) of the act and thus, on the ground of lack of toxicity, this particular container should be exempted temporarily from the requirement of special packaging until such packaging can be developed and placed into use. Petitioners state that they do not seek a permanent exemption, even though they believe the medical facts would justify such an exemption, but only wish to have an opportunity to develop special packaging that will work.

In support of this request for a temporary exemption, petitioners make the following contentions.

(a) One of the products involved contains 73.8 grains of aspirin and the other contains 60 grains of aspirin, in 12 tablets.

(b) In a report entitled "Estimation of the Toxic Dose of Aspirin for Children," Done et al. have concluded that "it seems unlikely that more than mild poisoning will occur with doses of less than about 2.5 grains per pound of body weight, or that fatalities will occur with less than about 4 gr./lb." Using the customary standard of a 25-pound child, this would mean that only mild poisoning would occur at up to 62.5 grains of aspirin and fatalities would not occur at less than 100 grains.

(c) Affidavits from Dr. Louis Lasagna, professor and chairman of the department of pharmacology and toxicology, and professor of medicine of the University of Rochester, School of Medicine, and from Dr. Arthur Grollman, professor of experimental medicine, department of pathology, Southwestern Medical School, state that the conclusions drawn in the Done paper are "too conservative" and that the ingestion of 3 grains or less of aspirin per pound of body weight by a child would cause no more than mild discomfort or moderate or mild symptoms. Based upon the figure of 3 grains per pound of body weight, they reach the safe level of 75 grains.

(d) Petitioner American Home Products Corp. presents data that its tin comes close to meeting the standards specified in the poison prevention packaging regulation (21 CFR 295.10) and in fact meets the requirements earlier recommended by the so-called press committee. Both petitioners state that reports of the National Clearinghouse for Poison Control Centers and reports obtained independently by the industry show that aspirin packaged in tins of 12 has not been a factor in cases of child poisoning.

The Commissioner, upon reviewing the information contained in these petitions, believes that reasonable grounds have been presented for considering a temporary exemption for a period not to exceed 1 year, for any tin containing aspirin tablets not in excess of 75 grains of aspirin, on the ground of a lack of serious personal injury or illness resulting from the use of this container. Comment is requested from all persons who may have information bearing on the proper resolution of this matter.

4. The petitioners request that the regulation requiring special packaging for preparations containing aspirin (37 FR 3427), as recently affirmed (38 FR 1227), be stayed pending the Commissioner's decision with respect to these petitions.

The Commissioner concludes that, although there are reasonable grounds for publishing these petitions, he is not prepared at this time to state whether they should or should not be granted. The statute itself provides that the time for compliance with a requirement for special packaging may not be extended beyond 1 year after promulgation of the requirement, and this time will expire shortly. The Commissioner concludes that the proper procedure is to deny a stay and to order that the time for comment on these proposals be expedited.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (§§ 2, 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471, 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner publishes the above petitions for comment.

Interested persons may, on or before February 12, 1973, file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this matter. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday. No extension of time will be granted for comment.

Dated: January 23, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-1616 Filed 1-24-73;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, February 22, at 1 p.m. to 5 p.m., and February 23, at 9 a.m. to 5 p.m., National Institutes of Health, Building 1, Conference Room 114. This meeting will be open to the public from 1 p.m. to 5 p.m. on February 22, and 9 a.m. to 5 p.m. on February 23, to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

Rosters of Committee members and summary of the meeting may be obtained from the Exceutive Secretary, Charles R. McCarthy, Ph. D., Building 1, Room 224, 496-3471.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 17, 1973.

[FR Doc.73-1512 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On February 3 and 4, 1973 the YOUTHS Highway Safety Advisory Committee will hold an open meeting at Key Bridge Marriott Motor Hotel.

Arlington, Va. The Committee is composed of persons appointed by the Secretary of Transportation to advise and consult with the National Highway Traffic Safety Administrator concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9 a.m. to 6 p.m. on February 3 and from 9 a.m. to 12 noon on February 4. The agenda is as follows:

Discussion of Resolution on Public Information and Education and Governor's Youth Highway Safety Committee.

Development of new issues to be covered by the national public information and education program.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972.

Issued on January 19, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-1595 Filed 1-24-73;8:45 am]

ATOMIC ENERGY COMMISSION

CALIFORNIUM-252 PRICES

Notice of Modification of Standard Forms and Handling Charges

The U.S. Atomic Energy Commission hereby announces revisions to the notice entitled "Californium-252 Prices, Standard Forms and Handling Charges" as published in the FEDERAL REGISTER on November 11, 1972 (37 FR 24055).

1. Paragraph 2 is amended by the addition of the word "nominally" before the words "5, 50, and 500 micrograms per inch." As so amended, paragraph 2 reads as follows:

2. The palladium-californium oxide cermet will be available to both domestic and foreign customers in wire and pellet form. Initial californium concentrations in wire form will be nominally 5, 50, and 500 micrograms per inch; however, special orders for concentrations other than these will be considered, with charges for special orders determined in individual cases. Cf-252 cermet pellets are being offered in addition to the wire form because standard 100 series double-encapsulated sources, a design currently offered by commercial source encapsulators, can hold up to 10 mg. of Cf-252 in pellet form compared to a maximum of 2 mg. of Cf-252 in wire form.

2. Paragraph 3 is amended by the addition of the word "nominal" before the words "500 microgram per inch" and before the words "50 or 5 microgram per inch." In addition, the parenthetical phrase "or fraction thereof" should be deleted. As so amended, paragraph 3 reads as follows:

3. Because of increased labor costs since initiation of Cf-252 sales, handling charges for Cf-252 in Pd-Cf_2O_3 and oxide must be increased from the current rate of $1,600 per standard shipment, effective immediately. The following charges are now in effect: Pd-Cf_2O_3 wire or pellets: $1,250 for capsule assembly and preparation plus $600 per inch of nominal 500 microgram per inch wire and $100 per inch of nominal 50 or 5 microgram per inch wire; or $850 per pellet. Cf-252 Oxide: $1,850 per package.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Effective date. This notice is effective on January 26, 1973.

Dated at Germantown, Md., this 17th day of January 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-1495 Filed 1-24-73;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Supplemental Notice of Hearing on a Facility Operating License

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1), Docket No. 50-263.

The Commission's "Notice of Hearing on a Facility Operating License" in the above matter, dated December 19, 1972, and published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544) is, sua sponte, modified in the following respect. The sentence beginning on the penultimate line of page 1 is deleted, and the following inserted in its place: "The hearing will consider (1) whether, considering those matters covered by appendix D to 10 CFR Part 50, the provisional operating license should be continued, modified, terminated, or appropriately conditioned to protect environmental values, and (2) whether, in accordance with the requirements in 10 CFR Part 50, appendix D, and 10 CFR 50.57, a full-term operating license should issue. An operating license would be issued only after appropirate findings are made by the Director of Regulation on the matters set out in 10 CFR 50.57a which are not embraced by the board's decision, and upon compliance with the applicable provisions of appendix D to 10 CFR Part 50.

Dated at Germantown, Md., this 17th day of January 1973.

It is so ordered.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-1496 Filed 1-24-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24072]

EXPANDED APPLICATION OF CATEGORY Z FARES

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 20, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 4, 1972, the supplemental prehearing conference report served December 21, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 19, 1973.

[SEAL] E. ROBERT SEAVER,
Administrative Law Judge.

[FR Doc.73-1565 Filed 1-24-73;8:45 am]

[Docket No. 22387; Order 73-1-63]

INVESTIGATION OF AIR EXPRESS RATES

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1973.

By tariff revisions filed December 21, 1972, and marked to become effective January 20, 1973, REA Express, Inc. (REA) and the participating airlines propose increases and reductions in general commodity rates and increases in rates for live animal shipments at lower weights between points on the mainland and points in Alaska, Hawaii, and Puerto Rico for distances 2,500 miles and above.

Increases in general commodity rates are limited to shipments of 25 pounds or less, depending upon distance. The current minimum charge of $9.50, which has been in effect since November 1971, would be raised to $10.50. Based upon our sample, general commodity rates for other small shipments up to 25 pounds would be increased from 1.8 to 17.8 percent for distances up to about 3,700 miles. Rates for higher weight shipments for distances up to about 3,700 miles would be reduced by between 1.2 and 25.9 percent below current levels. For shipments other than minimum-charge shipments and moving distances over 3,700 miles, the current rates would either be unchanged or reduced from 5.7 to 32.2 percent below current levels.

Currently, there are no specific commodity rates in effect on live animals and birds between the mainland and Alaska, Hawaii, and Puerto Rico for the distances involved and the general commodity level is applicable for this traffic. The proponents proposed to establish specific commodity rates for live animals in these offshore markets. These new specific commodity rates will involve increases for small live animal shipments (up to 25 pounds) without any change for larger shipments. Where reductions are proposed for the current general commodity rates for larger shipments, the proposed live animal rates would remain

unchanged at the current general commodity level; and where increases are proposed in general commodity rates for smaller shipments, the live animal rates would be increased to this level.[1]

The proponents assert, inter alia, that the purpose of the proposal is to (1) make air express charges competitive with air freight forwarder charges for comparable shipments, (2) establish rates on a more cost-oriented basis, and (3) establish a rate structure which is consistent with the current rates applicable for traffic moving generally 2,500 miles or less. According to REA, the proposal is expected to generate additional revenues of approximately $20,000.

The proposed rates come within the scope of the Investigation of Air Express Rates, Docket 22387, and the lawfulness of these rates will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or permit it to become effective pending final decision of the Board in that investigation.

Upon consideration of all relevant factors, the Board finds that the proposed rates should be suspended to the extent that they involve increases. The justification presented by the proponents does not adequately justify the increases proposed.

The proponents claim that the proposed increases are justified essentially by costs adopted by the Administrative Law Judge in his Initial Decision, with some adjustments to account for inflation, but the costs presented actually involve significant adjustments to those costs. With respect to airline capacity and noncapacity costs, the costs presented have been increased above those in the Initial Decision from 10.9 to 34.2 percent, prior to adjustments to account for inflation through 1972.

Suspension of the increased rates will result in continuance of the current $9.50 minimum charge and rates for other small shipments up to 25 pounds, and no changes whatsoever in the current live-animal level.

The proposal, to the extent that it results in reductions, will be permitted to become effective pending the final decision in the investigation. These reductions, according to REA, would result in additional annual revenues of approximately $11,100 or more than one-half of the $20,300 that would have accrued from the entire proposal.

The above conclusions, of course, are not intended to prejudge the Board's final decision in Docket 22387.

[1] An example of the proposed charges for rate scale 90:

DOLLARS PER SHIPMENT

Pounds	Current rates for general commodities and live animals	Proposed rates for general commodities	Proposed live animal rates
5	$9.50	$10.50	$10.50
15	15.30	16.75	16.75
25	21.30	21.04	21.30
50	36.30	31.61	36.30

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including April 19, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. A copy of this order shall be filed with the tariffs and served upon the parties in Docket 22387.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

Tariff C.A.B. No. 1 issued by G. T. Miano, Agent:

On 21st and 22nd Revised Pages 121, the cancellation of the provisions "See Note Below" in the EXCEPTIONS, and the explanation of the "NOTE."

All charges on the following pages bearing an increase symbol: 4th Revised Page 124–B, 17th Revised Page 126, 16th Revised Page 128.

The provisions of Item No. 85 on: 29th Revised Page 146, 16th Revised Page 146–A, 21st Revised Page 147, 17th Revised Page 148, 6th Revised Page 148–A, 5th Revised Page 148–B.

All rates, charges, and provisions on the following pages: 1st Revised Page 148–C, 1st Revised Page 148–D, 1st Revised Page 148–E, 1st Revised Page 148–F, 1st Revised Page 148–G, 1st Revised Page 148–H.

APPENDIX B

Airlift International, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Aspen Airways, Inc.
Braniff Airways, Inc.
Caribbean-Atlantic Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Hughes Airwest
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc. (Also operating as Northwest Orient Air Lines)
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
REA Express, Inc.
San Francisco & Oakland Helicopter Airlines, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
The Flying Tiger Line Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

Air Express service provided hereunder is performed by the participating carriers pursuant to an Agreement which has been filed with and approved by the Civil Aeronautics Board.

SOURCE: 15th Revised page 4 of Agent G. T. Miano's CAB No. 1.
Effective: July 17, 1972.

[FR Doc.73-1566 Filed 1-24-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition to Initial List

Notices of proposed additions to the initial procurement list, August 26, 1971 (36 FR 16982) were published in the FEDERAL REGISTER on October 19, 1971 (36 FR 20260), December 16, 1971 (36 FR 23943), and July 26, 1972 (37 FR 14902).

Pursuant to the above notices, the following commodity and services are added to the procurement list.

COMMODITY
CLASS 7530

Pad, writing paper	NIB will provide requirements for GSA regions shown in parentheses	Price
White unruled 3" x 5" 7530-285-3090.	(1, 6)	$0.665 PG
White unruled 5" x 8" 7530-239-8479.	(1, 4, 5, 6, 7, 8)	0.78 PG
White unruled 8" x 10½" 7530-285-3088.	(1, 2, 3, 4, 6, 7, 8)	1.57 PG
White ruled both side 8" x 10½" 7530-285-3083	(1, 5, 6)	1.635 PG

SERVICES

Type of service	Geographical coverage	Price
Final assembly of food packet, survival, general purpose, individual (FSN 8970-082-5695).	All Government requirements.	$6.71 per box of 24 cans.
Mailing service.....	U.S. Coast Guard Academy, New London, Conn.	Price list issued separately.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-1374 Filed 1-24-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Notice of Public Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory

Committee on Alternative Automotive Power Systems (formerly the Advisory Committee on Advanced Automotive Power Systems) will hold its next meeting in Berkeley, Calif., on January 29 and 30, 1973. The first session will commence at 9 a.m. in the Alumni House on the campus of the University of California at Berkeley. All sessions will be open to the public.

The agenda for this meeting of the Advisory Committee will include:

1. Review of combustion related research at the University of California.
2. Review of changes in Environmental Protection Agency program on advanced automotive power systems.
3. Review of panel report to the National Academy of Sciences on the feasibility of alternative vehicle power sources.
4. Review of National Science Foundation projects on battery technology and the impact of advanced vehicle power systems.
5. Review of Office of Science and Technology transportation energy study.
6. Review of Department of Transportation projects on vehicle energy utilization, Rankine cycle bus engines and socioeconomic impact of advanced vehicle engines.
7. Review of National Aeronautics and Space Administration projects on vehicle energy utilization, thermal reactor materials and urban mass transit.
8. Review of the State of California's Rankine cycle passenger car project.
9. Review of Department of Defense projects in low emission and low fuel consumption engines.
10. Review of Department of Commerce project in emissions measurements and calibration standards.
11. Review of General Services Administration project on dual fuels demonstration.
12. Review of Postal Service projects on dual fuels demonstration and electrically powered postal vehicles.

A list of advisory committee members is available from, and requests for additional information should be made to: Dr. Philip E. Schambra, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006 (202/382-6754).

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-1494 Filed 1-24-73;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from January 8 through January 12, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447-7803.

Draft, January 10

Cooperative 1973 Gypsy Moth Suppression Program. The statement refers to a program for the suppression and/or regulation of the gypsy moth. USDA would cooperate with State officials of Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, in the treatment of 280,000 acres. The agents to be used are carbaryl, trichlorfon, and Bacillus thuringiensis. The most significant adverse effect considered is that of the reduction of beneficial insects and soil arthropods. (140 pages) (ELR Order No. 00043) (NTIS Order No. EIS 73 0042-D)

AGRICULTURAL RESEARCH SERVICE

Draft, January 8

Pilot Study, Municipal Waste Composting, Maryland; County: Prince Georges. The statement refers to a proposed research-demonstration pilot study under which sewage sludge cake from the Blue Plains Waste Water Treatment Plant will be transported to a 5 to 10 acre site of the Agricultural Research Center in Beltsville. There it will be composted and cured, and used for research or land improvement. Possible adverse environmental effects include those of odor and flies, and drainage water pollution. (18 pages) (ELR Order No. 00030) (NTIS Order No. EIS 73 0030-D)

FOREST SERVICE

Final, January 9

Timber Harvest, Tonto National Forest, Ariz. The statement refers to a proposed Timber Management Plan, which would involve the harvesting of timber resources of the Forest for the period from July 1, 1973 to June 30, 1982. The amount of land to undergo cutting on the 2,883,794-acre Forest is not specified. The construction of new and improved roads will be necessary. The action will adversely affect air and water quality, wildlife habitat, and visual resources. (90 pages) Comments made by: USDA, DOC, HUD, EPA, DOI, DOT, SBA, concerned citizens, State and local agencies, Arizona Congressional Delegation (ELR Order No. 00039) (NTIS Order No. EIS 73 0039-F)

SOIL CONSERVATION SERVICE

Draft, January 4

Ogunquit Sand Dune Stabilization, Maine; County: York. The statement refers to the proposed land stabilization of a 28-acre barrier dune, through the placement of sand, planting of vegetation, and installation of erosion and pedestrian control measures. (17 pages) (ELR Order No. 00022) (NTIS Order No. EIS 73 0022-D)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing 202—973-7373, Washington, D.C. 20545.

Draft, January 2

Millstone Nuclear Power Station Unit 2, Connecticut. The statement refers to the proposed continuation of a construction permit and the issuance of operating licenses to the Millstone Point Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., and the Western Massachusetts Electric Co. for continued operation of Unit 1 and operation of Unit 2. Unit 2 is a pressurized water reactor which will produce 2,700 MWt and 830 MWe (net). Exhaust steam is condensed by a once through flow of water from a quarry pond, and back into Long Island Sound. Marine biota is adversely affected by operation of the plant. (244 pages) (ELR Order No. 00010) (NTIS Order No. EIS 73 0010-D)

January 8

Trojan Nuclear Plant, Oregon; County: Columbia. The statement refers to the continuation of a construction permit and the issuance of an operating license to the Portland General Electric Co. The plant will employ a single pressurized water reactor to produce 3,423 MWt and 1,130 MWe (net). Heat will be discharged to the Columbia River. Maximum water consumption will be 0.01 percent of the river flow; 0.05 percent of the aquatic life passing the site will be destroyed. Approximately (300 pages) (ELR Order No. 00028) (NTIS Order No. EIS 72 0028-D)

Draft, January 4

Barnwell Nuclear Fuel Plant (BNFP), South Carolina; County: Barnwell. The statement refers to the regulating of construction and operation of the plant by Allied-Gulf Nuclear Services. BNFP will recover unused uranium and plutonium from irradiated nuclear fuels, using an adaption of the Purex process technology. Design capacity is for 1,500 tons of enriched uranium oxide fuel annually, the equivalent of reprocessing the spent fuel from nuclear powerplants having a combined capacity of 50,000 MWe. The gaseous release of radioactivity will be reduced to a level as low as practicable. (80 pages) (ELR Order No. 00020) (NTIS Order No. EIS 73 0020-D)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, January 12

Steam Generating Station Unit 6, New York. The statement refers to a permit application (pursuant to Section 10 of the River and Harbor Act of 1899) by the Niagara Mohawk Power Corp., to construct intake and discharge facilities in Lake Ontario in connection with their fossil-fuel steam electric generating Unit 6. The unit will occupy 10 acres of land, and discharge waste heat, air-borne emissions, liquid effluents, and sound energy. The 890 mw Unit will consume 9 million barrels of fuel oil annually. (189 pages) (ELR Order No. 00064) (NTIS Order No. EIS 73 0064-D)

Final, January 12

New York Harbor, N.Y. The statement refers to the proposed maintenance dredging of the harbor to its authorized dimensions. Spoil will be deposited in approved dumping ground of the Atlantic Ocean, with adverse effects upon marine biota. Comments made by: DOC, EPA, USN, DOI, DOT, State and regional agencies. (ELR Order No. 00060) (NTIS Order No. EIS 73 0060-F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755-0940.

Final, January 2

Bethany Beach Sewage Treatment Facility, Delaware; County: Sussex. The statement refers to the proposed construction of a 24.5 m.g.d. capacity wastewater treatment plant to serve the Bethany Beach area. Treatment plant effluent will be discharged to the Atlantic Ocean. At issue is the extent to which completion of the plant will spur uncontrolled local development. (151 pages) (ELR Order No. 00002) (NTIS Order No. EIS 72 0002-F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405, 202—343-6077.

Draft, January 8

Social Security Payment Center, Illinois; County: Cook. The statement refers to the proposed construction of a 10 story (757,000 gross sq. ft.) building to house the Social Security Administration Payment Center of the Department of Health, Education and Welfare. The construction of the building may cause accelerated deterioration of contiguous neighborhoods. (81 pages) (ELR Order No. 00032) (NTIS Order No. EIS 73 0032-D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, January 4

Lahontan National Fish Hatchery, Nevada; County: Douglas. The statement refers to the proposed construction and operation of additional facilities at the hatchery. Major additions include an administration-visitor building, 3 residences, a hatchery building, storage buildings, and waste treatment facilities. The purpose of the action is the propagation of Lahontan cutthroat trout, in order to restore the fisheries in Pyramid and Walker Lakes. Hatchery waste discharge will result in organic enrichment of Allerman Canal and pasture lands; long-term pumping of ground water may result in a temporary decline in the aquifer. (53 pages) (ELR Order No. 00017) (NTIS Order No. EIS 73 0017-D)

Final, January 8

Back Bay National Wildlife Refuge, Va. The statement refers to the proposed elimination of unauthorized motorized vehicles from the refuge. The action is intended to assure the preservation of 4.2 miles of natural beach. People who have become accustomed to using the beach for pleasure driving will be inconvenienced. (154 pages) Comments made by: USDA, EPA, DOD, DOI, State agencies of Virginia, and concerned citizens. (ELR Order No. 00036) (NTIS Order No. EIS 73 0036-F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL HIGHWAY ADMINISTRATION

Final, January 11

County State Aid Highway 18 (FAS-6318), Minnesota; County: Hennepin. The statement refers to the proposed reconstruction of 3.5 miles of CSAH 18 from north of the Crosstown Highway (CSAH 62) to south of Minnehaha Creek. The project constitutes the final link in the 15-mile freeway connecting Interstate 49 and Interstate 94. Seven individuals, 43 families and two businesses will be displaced. There will be an increase in noise levels, air pollution and the use of deicing chemicals. Nine Mile Creek Marsh will be traversed. (68 pages) (ELR Order No. 00045) (NTIS Order No. EIS 73 0045-F)

Final, January 4

Ogdensburg Study Area, New York; County: St. Lawrence. The statement refers to the recommended transportation plan for the city of Ogdensburg. The total length of the arterial streets included in the plan is 5.3 miles. Adverse effects include temporary water pollution caused by bridging the Oswegatchie River and displacement of one business and 18 families. (77 pages) Comments made by: USDA, EPA, COE, HEW, DOI, DOT, and one State agency. (ELR Order No. 00014) (NTIS Order No. EIS73 0014-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-1493 Filed 1-24-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 146]

ISI CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Avalon Savings and Loan Association

JANUARY 22, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from ISI Corp., San Francisco, Calif., for approval of acquisition of control of the Avalon Savings and Loan Association, Wilmington, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by the applicant of the stock of Avalon Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by February 26, 1973.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-1568 Filed 1-24-73;8:45 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED LATIN AMERICAN FREIGHT CONFERENCES

Notice of Agreements Filed

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements 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 February 15, 1973. Any person desiring a hearing on the proposed agreements 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 agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

C. D. Marshall, Chairman, Associated Latin American Freight Conferences, 11 Broadway, New York, N.Y. 10004.

Similar modifications to four conference agreements, listed below, have been filed and assigned the following respective agreement numbers:

United States Atlantic and Gulf-Jamaica Conference, 4610-21.

United States Atlantic and Gulf-Santo Domingo Conference, 6080-21.

Leeward & Windward Islands and Guianas Conference, 7540-24.

United States Atlantic and Gulf-Haiti Conference, 8120-16.

Each modification provides that there shall be two ratemaking sections of the particular conference involved, namely, from Eastport, Maine to and including Key West, Fla. (the Atlantic section) and west of Key West, Fla. to and including Brownsville, Tex. (the Gulf section) and the membership of each section shall be composed of those member lines serving a port or ports within the respective ranges. At any conference meeting, any member line shall have the privilege of invoking the terms of the amendment with respect to any ratemaking and requiring that such matter be considered and decided by the section or sections concerned.

Specific voting requirements are set forth to permit voting on ratemaking matters by section, however, in the absence of the invocation of the amendment proposed hereunder, all ratemaking matters shall be considered and decided pursuant to customary conference procedures.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1586 Filed 1-24-73;8:45 am]

BOARD OF COMMISSIONERS OF PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS, INC.

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 February 5, 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:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-590-6, between the Board of Commissioners of the Port of New Orleans (Port) and the Public Grain Elevator of New Orleans, Inc. (Elevator) modifies the basic agreement which provides for the lease of the Public Grain Elevator at New Orleans. The purpose of the modification is to exchange a 5,450 square foot portion of the current premises for a 3,777.54 square foot area.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1587 Filed 1-24-73;8:45 am]

CITY OF LONG BEACH (CITY) AND SEA-LAND SERVICE, INC. (SEA-LAND)

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 February 15, 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 agreements filed by:

Leonard Putnam, The City Attorney of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-2401-1, between the city of Long Beach (City) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement between the parties, which provides for the non-exclusive preferential assignment to Sea-Land of premises located at berths 227 to 230 inclusive, pier G, Port of Long Beach, for use as a marine terminal. The purpose of the modification is to divide the premises assigned under the basic agreement into two parcels (parcel I, 66.14 acres and parcel II, 22.67 acres) with Sea-Land taking possession of parcel I initially, and holding an option for the assignment of parcel II at a later date. Agreement No. T-2401-1 also amends the basic agreement by (1) extending the term from 20 to 25 years; (2) modifying the procedures for arbitration of compensation renegotiation; (3) deleting the requirement that the city relocate two container cranes to the premises (this is covered under FMC Agreement No. T-2401-B); (4) amending the force majeure provisions of the basic agreement; and (5) amending the circumstances under which FMC Agreement No. T-1870 (also between the City and Sea-Land) will terminate. As compensation for parcel I, the City is to receive a monthly rental of $62,812 plus 9.3 percent of the total construction cost of the improvements situated thereupon. Should Sea-Land exercise its option on parcel II, the City is to receive an additional monthly rental of $23,518 plus 9.3 percent of the total construction cost of improvements situated on parcel II.

Agreement No. T-2401-B-1, also between the City and Sea-Land, replaces the basic agreement which provides for the nonexclusive preferential assignment and use of two gantry-type container cranes to be situated at berths 227-230, inclusive. The agreement grants Sea-Land options for nonexclusive preferential assignments of two container cranes to be erected on the premises assigned under FMC Agreement No. T-2401. The term of this agreement is to run concurrently with that of T-2401. The subject amendment also provides that, in the event Sea-Land exercises its option for parcel II of the premises assigned under T-2401, it shall also exercise its option on one of the cranes as well as inform the City whether or not it desires to exercise its option on the second crane. Compensation to the City for the cranes will be 10.6 percent annually of the actual construction cost of each crane. Should Sea-Land exercise its options for either or both of the cranes, the City retains secondary assignment rights. The secondary assignee, in such an event, will pay Sea-Land such sums as may be agreed upon for operational costs incurred, subject to the City's approval in accordance with its Tariff No. 3. Sea-Land's use of the cranes will be governed by the provisions of section 9 (exclusive of item No. 910 thereof) of the above tariff.

Dated: January 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1588 Filed 1-24-73;8:45 am]

INDIANA PORT COMMISSION AND TRI-STATE TERMINALS, INC.

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 February 15, 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:

Richard A. Earle, Esq., Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, DC 20036.

Agreement No. T-2602, between the Indiana Port Commission (Port) and Tri-State Terminals, Inc. (Tri-State), provides for the 5-year lease (with renewal options) of a transit shed and open storage area at the Port of Indiana—Burns Waterway Harbor for use as a ship, barge, railroad, and truck terminal and warehouse. As compensation for the facilities, the Port is to receive rental based on the tonnage handled, subject to an escalating annual minimum. Tri-State is to also collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Dated: January 17, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1589 Filed 1-24-73;8:45 am]

MATSON TERMINALS, INC., AND ORIENT OVERSEAS CONTAINER LINE

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 February 15, 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:

Peter P. Wilson, Counsel, Matson Terminals, Inc., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2729, between Matson Terminals, Inc. (Matson) and Orient Overseas Container Line (OOCL), is a container-terminal services arrangement under which Matson will provide: (1) Adequate berthing space; (2) adequate container yard space; (3) container gantry cranes; and (4) container-terminal services to OOCL vessels calling at Oakland, Calif. Compensation for the above services is to be as agreed upon between the parties and filed with the Federal Maritime Commission. The agreement stipulates that OOCL will obtain the above services solely from Matson at the Port of Oakland.

Dated: January 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1590 Filed 1-24-73;8:45 am]

WEST INDIAN COMPANY LTD., AND CARIBBEAN SEA-ROAD SERVICE, INC.

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 February 15, 1973. Any person desiring a hearing on the proposed agreement shall vide a clear and concise statement of the matters upon which they desire to aduce 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:

Carl E. Dalgas, President, West Indian Company, Limited, Post Office Box 660-00801, St. Thomas, Virgin Islands of U.S.A.

Agreement No. T-2733, between the West Indian Company, Limited (WIC) and Caribbean Sea-Road Service, Inc. (CSRS), is a 2-year terminal-use agreement (with renewal options) under which CSRS is to have limited priority berthing at a ramp on WIC's St. Thomas, U.S. Virgin Islands terminal facility as well as the exclusive use of certain land area for trailers and roll on/roll off cargo landed or to be loaded by CSRS to or from its vessels. As compensation, WIC is to receive rates according to its tariff, subject to a $40,000 minimum annual payment of wharfage and dockage. The agreement stipulates that CSRS is to use only WIC's St. Thomas facilities for the life of the agreement.

Dated: January 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1591 Filed 1-24-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01014---	Robert Bornhofen Reederei: Adviser.
01029---	Port City Towing Co.: Melinda B.
01059---	London & Overseas Freighters, Ltd.: London Cavalier.
01085---	Tropwood, A. G.: Tropwind.
01096---	Zapata Naess Shipping Co., Ltd.: Naess Talisman. Naess Parkgate. Naess Pioneer.
01108---	A/S Rosshavet & A/S Vestfold: Ross Isle.
01196---	Vaboena Rederi A/S: Herwang.
01232---	Rolf Wigands Rederi A/S: Voywi.
01334---	American President Lines, Ltd.: President Jefferson.
01466---	Common Brothers (Management) Limited: Joseph R. Smallwood.
01606---	Oil Transport Co., Inc.: Bayou Bienvenue.
01841---	Chas. Kurz & Co., Inc.: Birch Coulie.
01885---	Vincent Guzzetta, doing business as Guzzetta Oil Co.: Guzzetta 100.
01905---	Ben Line Steamers Ltd.: Wearfield.
01998---	Rederiaktiebolaget Gylfe: Ivan Gorthon.
02024---	A/S Hav and A/S Havtank: Permina 111.

Certificate No.	Owner/Operator and Vessels
02039	"Gryf" Deep Sea Fishing Co.: Kunatka.
02167	Sartori & Berger: Fleethoern.
02332	Lykes Bros. Steamship Co., Inc.: LY–125. LY–126. LY–127. LY–128. LY–129. LY–130. LY–131. LY–132. LY–133. LY–134.
02341	Koninklijke Nederlandsche Stoomboot-Maatschappij N. V.: Alkmaar. Meteoor.
02602	Fyffes Group Ltd.: Mazatec.
02655	Reederei Jonny Wesch: Blue Sky. Blue Sea. Blue Stone.
02682	Ivory Shipping Co., Ltd.: Ivory Star.
02876	Kabushiki Kaisha Hokkaido Gyogyo Kosha: Ryoyo Maru No. 2.
02959	Kokuyo Kaiun K.K.: Yonekawa Maru.
03018	Federal Barge Lines, Inc.: Captain Caplener.
03219	Whitwill, Cole & Co., Ltd.: Finnish Wasa. Cornish Wasa.
03273	Dunlap Towing Co.: D. T. Co. 160.
03484	Sanko Kisen K.K.: Eastern Spirit.
03635	Hines, Inc.: Hines 407 B. Hines 409 B.
03650	Global Bulk Carriers, Inc., Liberia: Star Nadine. Star Caroline.
03916	Mobil Oil Francaise: Porthos.
03926	Harumi Senpaku Kabushiki Kaisha: Yozan Maru.
03968	Zim Israel Navigation Co., Ltd.: Shiqma.
04042	Companhia De Navegacao Maritima Netumar: Joana.
04087	Merichem Co.: Mer–1. Mer–2.
04276	Rivtow Straits Ltd.: Johnstone Straits. Gibraltar Straits.
04289	Dixie Carriers, Inc.: Deloris Rodgers.
05048	F. Laeisz: Proserpina.
05684	Epirotiki Steamship Co., George Potamianos S.A.: Apollo. Jupiter. Orpheus.
05821	San Yang Navigation Co., Ltd.: Sanshin Victory.
05943	Kanagawa Prefectural Government: Sagamimaru.
06011	Mitsui Kinkai Kisen Kabushiki Kaisha: Cape Town Maru.
06117	Helmut Bastian Reederei: Tubinar.
06248	Commercial Corp. "Sovrybflot": Seskar. Adler. Stanukovich.
06704	Yuugen Kaisha Marukyo Boshi Suisan: Marukyoboshimaru No. 8. Nadayoshimaru No. 7.
06846	European Navigation Co., S.A.: Dolphin X.
06856	Taboga Enterprises, Inc.: Fermenco. La Casielle. Bueno.
06921	Lee Lai Maritime, S.A.: Chieh Kang. Chieh Jen.
06995	Novorossiisk Shipping Co.: General Shkodunovich.
07374	Ocean Tramping Co. Ltd.: Sinkai. Sinyeh. Eastglory. Bihua. Feihang. Feita. Nebula. Hemisphere. Jollity. Buku. Baiyen. Minfung.
07393	Hellenic Maritime Enterprises, Inc.: Arcadia.
07465	Calera Panama S.A.: Olympic Bond.
07519	Mares Nortenos Armadora S.A.: Tanganyika.
07528	Ocean Spirit Navigation, Inc.: Theobill.
07535	Clarister Cia. Naviera S.A., Panama: Mata.
07538	Efthitis Compania Financiera S.A.: Efthitis.
07548	Astro Prince Maritime, Inc.: Astro Prince.
07552	Partrederiet AF 23. December 1970: Grete Nielsen.
07556	Scan-Irish Shipping Co., Ltd.: Frost Scan.
07565	Bourne Shipping Co., Ltd.: Pangiobal Unity.
07600	Angelina Transportation Corp.: LSC–42. LSC–40.
07566	Pantokrator Compania Naviera S.A.: Platon.
07567	Ikuchi Kaiun Co., Ltd.: Shinko Maru.
07568	Fortune Shipping Corp., Inc.: Unique Fortune.
07569	Orient Shipping Corp.: Ionicon.
07570	Searuler Maritime Co., Ltd.: Elinela.
07571	Astro Reinante Compania Naviera S.A.: Aristidis.
07572	Ming Corp.: American Ming.
07573	Maria Victoria Naviera, S.A.: Kretan Spirit.
07574	Georgian Shipping Co.: Niko Nikoladze. Miha Tshakaia. Filip Makharadze. Nikoloz Baratashvily.
07575	Mississippi Shipping Co., Ltd.: Lotus Flower.
07577	Atlantic-Mediterranean Shipping Corp.: Volta Virtue. Medi-Sea. Medi-Star.
07581	Jurong Shipping Co. Ltd.: Silver Town.
07582	Msss Co. S.A.: Seiyu Maru No. 2.
07583	Ocean Oil Affiliates: Golar Kansai.
07589	Consul Overseas Investment Corp.: Allison Star.
07591	Liberian Lilac Transports, Inc.: Eastern Lilac.
07592	Interocean Bulk Transport Corp.: Oread.
07593	Oleandrus Shipping Co. Ltd.: Guy.
07597	F.A.M. Flota Argentina Mineralera S.A. De Navegacion C.I.F.M.I.: Punta Indio.
07601	Marnacida Armadora S.A.: Anamaria.
07602	Eggleston Towing Co., Inc.: Butte. Nixon.
07605	Astro Duradero Armadora S.A.: K. Hadjipateras.
07606	Sant'Ilario Societa di Navigazione di P. Mantovani & C. S.A.S.: Taormina.
07607	Takebayashi Kisen Co., Ltd.: Choyo Maru.
07608	Vencedora Oceanica Navigacion S.A.: Kapetan Marcos N.L.
07609	Prinaritis General Enterprises S.A.: Yemelos.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–1594 Filed 1–24–73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessel
01011	Aktieselskabet Det Ostasiatiske Kompagni: Patagonia
01014	Robert Bornhofen Reederei: Hans Bornhofen
01096	Anglo Norness Shipping Co., Ltd.: Naess Talisman Naess Parkgate Naess Pioneer
01219	Anders Jahres Rederi A/S Jarosa
01229	Belships Co. Ltd. Skibs A/S: Belforest
01256	Skibsaktieselskapet Orenor: Cuyahoga.
01278	Leonhardt & Blumberg: Ingrid Leonhardt.
01330	Shell Tankers (U.K.) Ltd.: Haminea.
01334	American President Lines, Ltd.: President Pierce.
01348	Partenreederei Mts St. Petri: St. Petri.
01456	Larrinaga Steamship Co. Ltd.: Ramon de Larrinaga.
01816	The Bowater Steamship Co., Ltd.: Gladys Bowater.

Certificate No.	Owner/Operator and Vessels
01861---	BP Tanker Co., Ltd.: British Skill.
01910---	Deutshe Dampfschifffahrts G. "Hansa": Drachenfels.
01930---	Aktieselskabet Dampskibsselskabet Svendborg: Ras Maersk.
01933---	Dampskibsselskabet AF 1912 Aktieselskab: Robert Maersk.
01935---	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AF 1912 Adtieselskab: Romo Maersk.
02024---	A/S Hav and A/S Havtank: Permina I.
02044---	N.V. Amsterdamse Maritime Transport Maatschappij: Purmerend.
02155---	Lorentzen & Sonners Rederi A/S: Elisabeth.
02188---	Bristol City Line Limited: Halifax City. Montreal City.
02520---	Northern Petroleum & Bulk Freighters Ltd.: Wearfield.
02758---	Chester Navigation Co. S.A.: Olympic Cloud.
02770---	Viamonte Sociedad Maritima Panama S.A.: Olympic Storm.
02911---	Sig. Bergesen D.Y & Co.: Berge Sigwaldo.
02959---	Kokuyo Kaiun Kabushiki Kaisha: Chikumagawa Maru.
02981---	Jayanti Shipping Co.: Akbar Jayanti. Adi Jayanti. Bharata Jayanti. Bhaskara Jayanti. Chandragupta Jayanti. Chanakya Jayanti. Devaraya Jayanti. Gotama Jayanti. Krishna Jayanti. Kanishka Jayanti. Leelavati Jayanti. Shahjehan Jayanti. Vikram Jayanti. Rama Jayanti. Gandhi Jayanti. Samudragupta Jayanti.
03025---	Arrow Shipping Co. Panama S.A.: Olympic Wind.
03452---	Kyoei Tanker K.K.: Ten-Ei Maru.
03505---	Showa Yusen Kabushiki Kaisha: Hikokane Maru.
03913---	Iberian Tankers Co.: Winamac.
03962---	The World Log Carriers Ltd.: Eastern Sakura.
03987---	Hans-Edwin Reith: Stephan Reith.
04077---	Fritzen Schiffsagentur und Bereederungs GMBH: Susanne Fritzen.
04674---	Pescanova, S.A.: Jose Margado.
04679---	Ratnakar Shipping Co. Ltd.: Ratna Jyoto.
05089---	H. F. Eimskipafelag Islands: Ljosafoss.
05090---	Esso Petroleum Co. Ltd.: Esso Salisbury.
05189---	Mariners Corp. of Liberia: Marinda.
05340---	Cornell Naviera S.A.: Pennant.
05388---	Corinthian Shipping, Inc.: Gemini.
05536---	Naviera Azta, S.A.: El Centroamericano.
05629---	General Electric Co.: Gowanus Bay No. 1. Gowanus Bay No. 2. Gowanus Bay No. 3. Gowanus Bay No. 4.
05639---	Goshi Gaisha Uehara Suisan: Nanryu Maru No. 7.
05710---	Shinmei Suisan Kabushiki Kaisha: Shinmei Maru No. 20.
05737---	Levantada Cia Naviera: Spica.
05745---	Pioneer Alaska Line: Western Pioneer.
05753---	Veb Deutfracht Internationale Befrachtung und Reederei: John Brinckman.
05771---	Astro Valedor Compania Naviera S.A.: Archon.
05927---	A. F. Henry & MacGregor Ltd.: Rattray Head.
06172---	Mercandia Chartering: Merc Enterprise. Merc Maris.
06183---	Leeka Naviera S.A.: Theokeetor. Theoforos.
06189---	Koei Kisen K.K.: Seikomaru.
06641---	Takei Gyogyo Kabushiki Kaisha: Masa Maru No. 28.
06644---	Reading & Bates Offshore Drilling Co.: Taurus.
06658---	Golden Moon Shipping Corp.: Golden Moon.
06748---	Betelgeuse Navigation Corp.: Tama.
06889---	Volos Shipping Co., S.A.: Loula.
06971---	Elmini Life Inc.: Mini Life.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1593 Filed 1-24-73;8:45 am]

LASCO CONTAINER SERVICES, INC., ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Lasco Container Services, Inc., 262 Riverside Avenue, Jacksonville, FL 32202.
Officers: Joseph A. Kelchlin, president; Delton H. Harden, Jr., vice president; Sol H. Proctor, secretary/treasurer; John Day, vice president.

F. H. Fenderson, Inc., 12 Main Street, Calais, ME 04619.
Officers: Frank H. Fenderson, chairman; Robert T. Fenderson, president; David M. Fenderson, vice president; Paul L. Redding, clerk; Edgar G. Cook, secretary; Alton H. Ward, treasurer.

Dated: January 22, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1592 Filed 1-24-73;8:45 am]

FEDERAL RESERVE SYSTEM

SECURITY NATIONAL CORP.

Order Approving Acquisition of Central Leasing Corp.

Security National Corp., Sioux City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Central Leasing Corp., Sioux City, Iowa (Central). The proposed subsidiary engages in leasing major items of personal property and equipment on a "full pay-out" basis. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the Act.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 23021). The time for filing comments and views has expired and none has been timely received.

Applicant, a one-bank holding company, controls Security National Bank of Sioux City, Sioux City, Iowa ("Bank"), the eighth largest bank in Iowa with deposits of $98.9 million, representing 1.4 percent of aggregate commercial bank deposits in Iowa. (All banking data are as of June 30, 1972, unless otherwise indicated.) Bank holds 29.8 percent of total deposits in the Sioux City banking market and is the largest, in terms of deposits, of the 11 Sioux City market banks.

Central, organized in 1961, has total assets of about $90,000 as of June 30, 1972, and its one office is located in Sioux City. Central engages in the business of leasing personal property and equipment, on a "full pay-out basis," throughout an area extending within a 25-mile radius of the city. Presently, no bank in the Sioux City area engages in similar leasing activities. There is no indication in the record that area banks plan to engage in leasing businesses, nor, absent approval of this proposal, that Applicant would enter de novo such leasing operations. On the basis of the facts of record, the elimination of existing or potential

competition resulting from this proposal appears minimal, and the Board considers the competitive considerations as consistent with approval of the application.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. However, the convenience of the Sioux City area would be enhanced by the improved and expanded leasing operations resulting from the proposed affiliation. Combination of the two organizations may also result in efficiencies in operation since certain duplicate services would be eliminated.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1509 Filed 1-24-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Antoine National Bank, Houston, Tex., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 15, 1973.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

Board of Governors of the Federal Reserve System, January 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1560 Filed 1-24-73;8:45 am]

NORTHWEST BANCORPORATION

Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of The First National Bank of Dubuque, Dubuque, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 13, 1973.

Board of Governors of the Federal Reserve System, January 17, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1506 Filed 1-24-73;8:45 am]

NORTHWEST BANCORPORATION

Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of Security State Bank, Keokuk, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 13, 1973.

Board of Governors of the Federal Reserve System, January 17, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1507 Filed 1-24-73;8:45 am]

POPULAR BANCSHARES CORP.

Acquisition of Bank

Popular Bancshares Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.3 percent or more of the voting shares of Palmetto State Bank, Miami, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1508 Filed 1-24-73;8:45 am]

AB&T FINANCIAL CORP.

Formation of One-Bank Holding Company

AB&T Financial Corp., Lansing, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to American Bank and Trust Company, Lansing, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1502 Filed 1-24-73;8:45 am]

AUSTIN BANCSHARES CORP.

Formation of One-Bank Holding Company

Austin Bancshares Corp., Austin, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Austin National Bank, Austin, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any

person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1503 Filed 1-24-73;8:45 am]

FIRST MANHATTAN BANKSHARES, INC.

Formation of One-Bank Holding Company

First Manhattan Bankshares, Inc., Manhattan, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Manhattan, Manhattan, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 5, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1504 Filed 1-24-73;8:45 am]

LAKE SHORE FINANCIAL CORP.

Formation of One-Bank Holding Company

Lake Shore Financial Corp., Muskegon, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 10 percent of the voting shares (less director's qualifying shares) of the successor by merger to Hackley Union National Bank and Trust Company of Muskegon, Muskegon, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 7, 1973.

Board of Governors of the Federal Reserve System, January 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1505 Filed 1-24-73;8:45 am]

WALTER HELLER INTERNATIONAL CORP.

Formation of Bank Holding Company and Continuation of Certain Activities

In FR Document 73-26 appearing at page 85 of the issue for Wednesday, January 3, 1973, the paragraph concerning comments should read as set forth below:

Any views, requests for hearing, or requests to review these applications at other Federal Reserve Banks should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 2, 1973.

Board of Governors of the Federal Reserve System, January 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1561 Filed 1-24-73;8:45 am]

POSTAL SERVICE

POSTAL CONTRACTING MANUAL

Notice to Amend

Notice is hereby given that the Postal Contracting Manual, Publication 41 (see 39 CFR Part 601), has been amended by the issuances listed below:

(1) Transmittal Letter 6, dated December 13, 1972.

(2) Transmittal Letter 7, dated December 28, 1972.

(3) Transmittal Letter 8, dated January 1, 1973.

(4) Transmittal Letter 9, dated January 8, 1973.

This notice is given pursuant to § 601.105 of title 39, Code of Federal Regulations, which provides that notice of changes made in the Postal Contracting Manual will be periodically published in the FEDERAL REGISTER; that the text of such changes will be filed with the Director, Office of the Federal Register; and that subscribers to the basic Manual will receive the amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Amendments of the Postal Contracting Manual accompanying Transmittal Letters 6, 7, 8, and 9 were filed with the Director, Office of the Federal Register simultaneously with the filing of this document.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008, 5001-5605)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-1541 Filed 1-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

ACTUARIAL ADVISORY COMMITTEE

Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee with respect to the Railroad Retirement Accounts will hold a meeting on February 22, 1973, at the offices of the Chief Actuary of the Railroad Retirement Board, 844 North Rush Street, Chicago, Ill. The agenda for the meeting will include consideration of methods and assumptions for the 12th actuarial valuation of the railroad retirement system and a discussion of the actuarial statement included in the report of the Commission on railroad retirement.

The meeting will be open to the public. Persons wishing to submit written statements or to make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611.

Dated: January 17, 1973.

RICHARD F. BUTLER,
Secretary of the Board.

[FR Doc.73-1515 Filed 1-24-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AVM CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value, and all other securities of AVM Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 20, 1973, through January 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1521 Filed 1-24-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 20, 1973 through January 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1522 Filed 1-24-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1523 Filed 1-24-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 21, 1973, through January 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1524 Filed 1-24-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1525 Filed 1-24-73;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 21, 1973, through January 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1526 Filed 1-24-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

JANUARY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 19, 1973, through January 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1527 Filed 1-24-73;8:45 am]

[File No. 500-1]

TIDAL MARINE INTERNATIONAL CORP.

Order Suspending Trading

JANUARY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Tidal Marine International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 22, 1973, through January 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1528 Filed 1-24-73;8:45 am]

[812-2707]

LIFE INSURANCE COMPANY OF NORTH AMERICA AND LIFE INSURANCE COMPANY OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application to Modify Order

JANUARY 18, 1973.

Notice is hereby given that Life Insurance Company of North America (LINA), a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A, 1600 Arch Street, Philadelphia, PA 19101 (Separate Account), a unit investment trust registered under the investment company Act of 1940 (Act) (hereinafter called Applicants), have applied pursuant to section 6(c) of the Act for an order modifying an order dated December 4, 1970 (Investment Company Act Release No. 6273) (1970 Order) granting Applicants exemptions from the provisions of sections 22(d) and

27(a)(4) of the Act and pursuant to sections 11(a) and 11(c) approving an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

LINA established Separate Account on June 18, 1968, pursuant to the laws of Pennsylvania, as a facility through which it sets aside and invests assets attributable to variable annuity contracts issued by LINA to certain persons who qualify for tax deferred benefits under sections 401, 403(a) and 403(b) of the Internal Revenue Code of 1954, as amended (Code). Applicants also offer variable annuity contracts to persons who may not qualify for similar tax treatment. Under Pennsylvania law, the income, gains and losses of Separate Account are credited to or charged against the amounts allocated to it in accordance with the contracts, without regard to any other income, gains or losses of LINA or arising out of any other business LINA may conduct.

The 1970 Order stated that net purchase payments for group and individual variable annuity contracts would be allocated to Separate Account and at the election of the contract owner would be invested in the shares of one of the following three diversfied, open-end management investment companies each of which is registered under the Act: Decatur Income Fund, Inc., National Investors Corp., or Oppenheimer Fund, Inc. (collectively called "fund" or "funds"). In the event the shares of any fund become unavailable or if in the opinion of LINA the investment policies or other policies of such fund are no longer compatible with the objectives of the variable annuity contracts offered by Applicants, LINA may, with the prior approval by a majority of the votes cast by persons having a voting interest in the affected fund and the prior approval of the Securities and Exchange Commission, substitute such fund with another.

On April 21, 1971, LINA filed an amendment to its registration statement under the Securities Act of 1933 so that purchase payments for group and individual variable annuity contracts could also be invested, at the election of the contract owner, in shares of Trustees' Equity Fund (Equity), a diversified, open-end management investment company registered under the Act, in addition to the funds above enumerated. LINA intends to amend the Separate Account Registration Statement under the Securities Act of 1933 so that The Dreyfus Third Century Fund, Inc. (Dreyfus) may be offered to the public as an additional underlying investment medium under a single group variable annuity contract and four types of individual variable annuity contracts.

Variable Annuity contracts offered by LINA through Separate Account are designed to provide annuity benefits to annuitants for retirement purposes. Applicants state that the use of Dreyfus as an additional underlying investment medium will permit contract owners greater flexibility in selection of investment medium based upon their individual retirement needs. At present there are no contract owners or participants investing in Dreyfus. Present contract owners and participants in Separate Account will be informed of the addition of Dreyfus as an underlying investment medium by amendment to the current prospectus of Separate Account. Dreyfus will not solicit present contract holders and participants in Separate Account.

Applicants seek to have the 1970 Order modified so that the following exemptions will also be available with respect to the purchase of shares of Dreyfus and Equity by Separate Account.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

With the exception of single premium immediate annuity contracts, purchasers of variable contracts issued by Applicants may allocate a part of their net purchase payments to LINA to provide for a fixed annuity. Such purchasers have the right, at the time of retirement, to have amounts accumulated by LINA for such fixed annuity applied to provide for variable payments. The Applicants state that the sales expense described in the Prospectus will already have been paid in connection with the purchase of the fixed annuity and it is not proposed to make any additional sales charge. An exemption is accordingly requested to permit the elimination of any requirement of a sales load with respect to the right to transfer amounts allocated to provide a fixed annuity to provide for variable annuity payments.

Group variable contracts issued by Applicants provide that if at the end of a contract year, amounts deducted by Applicants for expenses exceed the cost of such items, LINA at its discretion may apply an experience rating credit under such contract in the subsequent year. Such credit, if applied, will be in the form of a reduction of each gross payment under the applicable contract or an addition of annuity units or accumulation units as applicable. Any such adjustment and credit does not lend itself to a determination or specific allocation as between sales expense and administrative and other expense, nor is it possible to determine in advance the amount of such adjustments. Applicants request an exemption from the provisions of section 22(d) to permit such adjustments and credits without any deduction for sales and administrative expenses, since any applicable expenses would already have been made against the payments giving rise to such experience rating credit.

Applicants represent that, at the date of this application, no shares of Equity have been purchased by Separate Account at the discretion of a contract owner or participants in connection with the exercise of an option in a fixed annuity to change the allocation from fixed to variable payments at the maturity date and no shares of Equity have been purchased by Separate Account pursuant to an experience rating adjustment.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. Applicants state rule 27a-3 provides an exemption from section 27(a)(4) in order to permit payroll deductions of uniform amounts in connection with variable annuity contracts issued in connection with plans meeting the requirements of sections 401, 403 (a) and (b) of the Code. The group variable annuity contracts offered by Applicants are also sold in connection with retirement plans which do not qualify for tax deferred treatment under the Code. Accordingly, Applicants request exemption from section 27(a)(4) to the extent necessary to permit the first payment on behalf of a plan participant under a group variable contract issued in connection with a nontax deferred plan to be in an amount not less than $10. Applicants state the exemption from section 27(a)(4) is consistent with the intent and purposes of such section and the exemptions recognized and granted in Rule 27a-3.

Applicants state that no shares of Equity have been purchased by Separate Account which represent an initial payment made on behalf of a plan participant under a group variable annuity contract in an amount of less than $20.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an exemption from sections 11(a) and 11(c) to permit, under the group variable annuity contract, an exchange of one underlying fund for another at 5-year intervals during the accumulation period and immediately prior to retirement. Applicants represent that the right to substitute the shares of one underlying fund for another will permit the contract owner or participant to choose a fund having different investment objectives from those of the fund which was previously selected, such objectives being more suitable to the participant's retirement needs than the other.

Applicants represent that at the date of this application, no shares of other funds presently utilized as an underlying

investment medium for Separate Account have been redeemed at contract owner or participant direction and the proceeds therefrom transferred to purchase shares of Equity; nor have shares of Equity been redeemed and the proceeds therefrom transferred to purchase shares of the other funds. All shares of Equity purchased by Separate Account to date have been with proceeds from net purchase payments under a group or individual variable annuity contract, after proper delivery of prospectuses to the contract owner or participant of Separate Account and Equity. Separate Account presently owns no voting shares of Dreyfus.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 13, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–1519 Filed 1–24–73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to § 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meeting.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 24, 1972 (Securities Exchange Act Release No. 9835), will hold a public meeting at the office of Merrill Lynch, Pierce, Fenner & Smith, Inc., 31st floor, One Liberty Plaza, 165 Broadway, New York, NY, at 10 a.m., January 29, 1973.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by the committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise brokers-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers but to inform broker-dealers as to the existing requirements and how they may comply with them.

The committee's meeting on January 29, 1973, will be for the purpose of reviewing drafts and proposals concerning the committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

This meeting is open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 17, 1973.

[FR Doc.73–1518 Filed 1–24–73;8:45 am]

COLONIAL PENN GROUP, INC. ET AL.

Applications for Unlisted Trading Privileges

JANUARY 18, 1973.

In the matter of applications of the P.B.W. Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, and rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Colonial Penn Group, Inc.	7–4332
Cubic Corp.	7–4333
Puritan Fashions Corp.	7–4334

Upon receipt of a request, on or before February 3, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73–1520 Filed 1–24–73;8:45 am]

TARIFF COMMISSION

[TEA–W–175]

BATES SHOE DIVISION, WOLVERINE WORLDWIDE, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Webster, Mass., and North Grosvenor Dale, Conn., plants of the Bates Shoe Division of Wolverine Worldwide, Inc., Rockford, Mich., the U.S. Tariff Commission, on January 22, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and boys (of the types provided for in items 700.26, 700.27, 700.29, and 700.35 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to

cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by February 5, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 22, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-1567 Filed 1-24-73;8:45 am]

[337-L-56]

GOLF GLOVES

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on November 8, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Anthony J. Antonious and Ajac Glove Corp., both of Ellicott City, Md., alleging unfair methods of competition and unfair acts in the importation and sale of golf gloves which are embraced within the claims of U.S. Patent No. 3,588,917 owned by the complainants. Questor Corp., Post Office Box 965, Toledo, Ohio 43694; Leonard Cecil, 5644 Bent Branch Road, Bethesda, MD 20016; and O. F. Mossberg & Sons, Inc., Post Office Box 497, North Haven, Conn. 06473 have been named as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than February 20, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: January 22, 1973.

By order of the Commission.

KENNETH R. MASON, *Secretary.*

[FR Doc.73-1537 Filed 1-24-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor Order 1-73]

ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH

Redelegation of Authority and Responsibility

1. *Purpose.* This order redelegates authority for the performance of functions assigned to the Assistant Secretary for Occupational Safety and Health, in line with the reorganization of the Occupational Safety and Health Administration effective November 13, 1972.

2. *Directives affected.* Secretary's Order No. 31-71 October 20, 1971, is superseded by this Order.

3. *Background.* Pursuant to Public Law 91-596, Secretary's Order No. 12-71 (36 FR 8754) established an Occupational Safety and Health Administration and delegated certain authority and assigned responsibility to the Assistant Secretary for Occupational Safety and Health. The Order further provided for the redelegation of such authority and responsibility as necessary. A redelegation of this authority and responsibility was effected by Secretary's Order No. 31-71.

4. *Redelegation of Authority and Assignment of Responsibility—National Office*—a. The Deputy Assistant Secretary is hereby redelegated authority to act on all matters within the Assistant Secretary's delegation. He shall also be the Administrator, Occupational Safety and Health Administration (OSHA).

b. The Chief, Policy and Evaluation Staff shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for advising the Assistant Secretary and the Deputy Assistant Secretary/Administrator on matters of policy, research, legislation, and the use of outside suppliers of products and services; he provides leadership and coordination for a program of evaluating the effectiveness of current operations.

c. The Director, Office of Standards shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for:

(1) Developing recommendations to the Deputy Assistant Secretary/Administrator with regard to the promulgation, modification, or revocation of occupational safety and health standards under the provisions of sections 4(b)(2) and 6(a), (b), and (c) of the Occupational Safety and Health Act (hereinafter referred to as the Act); and

(2) Developing and issuing regulations under sections 8, 9, and 16 of the Act.

d. The Director, Federal and State Operations shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for:

(1) Conducting a program to encourage State participation in safety and health programs including grants to the States under sections 18 and 23 of the Act; and

(2) Providing direction for the conduct of the compliance program for occupational safety and health to include inspection procedures, reporting, evaluation, and Federal agency programs.

e. The Director, Office of Training and Education shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for planning, developing, and directing a comprehensive national occupational safety and health training and education program.

f. The Director, Office of Management Services shall report to the Deputy Assistant Secretary/Administrator and shall have the overall responsibility for planning and development of program objectives, resource requirements, budget requests, and operational plans; he is also responsible for planning, implementing, and maintaining systems for financial management, operations review, and management services for the Administration to include management analysis, personnel, communications and administrative services functions.

g. The Director, Office of Management Data Systems shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for developing and administering systems to obtain, analyze, report and communicate information needed to facilitate the management of the Administration.

h. The Director, Office of Information Services shall report to the Deputy Assistant Secretary/Administrator and shall have the responsibility for promoting and encouraging voluntary compliance with occupational safety and health standards and regulations through information programs, publications, and reports.

5. *Redelegation of authority and assignment of responsibility—Regional Office.* The Regional Administrators are the principal operating managers below the Office of the Deputy Assistant Secretary/Administrator and shall report directly to him. Each is hereby redelegated authority and assigned responsibility for operating an effective occupational safety and health program in his region consistent with the directives and policies of the Secretary of Labor and the Assistant Secretary for Occupational Safety and Health.

6. *Authority to redelegate.* The Regional Administrators may redelegate the authority vested in them by this order.

7. *Effective date.* This order is effective January 3, 1973.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-1569 Filed 1-24-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 163]

ASSIGNMENT OF HEARINGS

JANUARY 22, 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.

AB 5 Sub 63, George P. Baker, Richard C. Bond, Jervis A. Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Potts Run and Carnwarth, Clearfield County, Pa., now assigned February 6, 1973, at Phillipsburg, Pa., will be held on the 2d Floor, Borough Building.

MC-118803 Sub 7, Atlantic Truck Lines, Inc., now assigned February 5, 1973, at Washington, D.C., is postponed indefinitely.

AB 5 Sub 70, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Uniontown and South Uniontown, Fayette County, Pa., now assigned February 12, 1973, will be held at the Courthouse, 2d Floor.

MC-C-7879, A-1 Corp.—Investigation and Revocation of Certificate of Registration, now being assigned hearing March 13, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC-111383 Sub 33, Braswell Motor Freight Lines, Inc., now being assigned hearing March 19, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

AB 5 Sub 48, Penndel Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Walton Junction and Traverse City, Traverse County, Mich., now being assigned March 22, 1973 (2 days), at Traverse City, Mich., in a hearing room to be later designated.

MC-F-11682, U.S. Truck Co., Inc.—Purchase (portion)—Transportation Service, Inc., MC-F-11683, Wilson Freight Co.—Purchase (portion)—Transportation Service, Inc., now being assigned March 26, 1973 (1 week), at Detroit, Mich., in a hearing room to be later designated.

MC 136460, Murphy Rigging & Erecting, Inc., now assigned February 21, 1973, at St. Paul, Minnesota, is postponed indefinitely.

No. 35533, Petroleum Products, Williams Brothers Pipe Line Co., No. 35533 Sub 1, Petroleum Products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533 Sub 2, Petroleum Products, Williams Brothers Pipe Line Co., No. 35540, Petroleum Products, Louisiana and Texas to Midwest, and FSA No. 42327, Pipeline Rates-Petroleum Products from the Southwest, now assigned February 5, 1973, at Washington, D.C., postponed to March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-123613 Sub 9, Claremont Motor Lines, Inc., now assigned January 22, 1973 (2 weeks) at Charlotte, N.C., is postponed to January 23, 1973 (2 weeks) at the Public Library, 310 North Tryon Street, Charlotte, N.C.

MC 121499 Sub 4, William Hayes Lines, Inc., now assigned February 12, 1973, at Nashville, Tenn., will be held in Conference Room 143, Floor C-1, Department of Labor, Cordell Hull Building.

MC-C-7333, Sam Fanelli et al. v. Greyhound Lines, Inc., now assigned January 30, 1973, at Chicago, Ill., is cancelled.

MC 128762 Sub 2, P. L. Lawton, Inc., Extension-Foodstuffs, now being assigned hearing February 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123048 Sub 226, Diamond Transportation System, Inc., now being assigned hearing February 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11671, Refiners Transport & Terminal Corp.—Purchase—Kendrick Cartage Co., now being assigned hearing March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11697, Gerson Transportation—Purchase (portion)—Watkins Motor Lines, Inc., and MC-C-7950, Thomas R. Rocap, Charles A. Biddinger, Jr., Motor Cargo Transport Corp., Gerson Transportation, a corporation, and Watkins Motor Lines, Inc., Investigation of Operations and Revocation of Certificates, now being assigned hearing March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1563 Filed 1-24-73;8:45 am]

[Notice 198]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-73833. By order entered January 16, 1973. Division 3, acting as an Appellate Division, approved the transfer to Iowa-Missouri Express, Inc., Shambaugh, of that portion of the operating rights set forth in Certificate No. MC-129384 (Sub-No. 1), issued March 4, 1971, to Bethany Express, Inc., Bethany, Mo., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Clarinda, Iowa, serving the intermediate point of St. Joseph, Mo. (restricted against service between the Kansas City, Mo.-Kans. commercial zone as defined by the Commission, on the one hand, and, on the other, St. Joseph, Mo. commercial zone as defined by the Commission), from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, and return over the same route. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-73945. By order of January 11, 1973. Division 3, acting as an Appellate Division approved the transfer to J. H. Ware Trucking, Inc., Fulton, Mo., of the operating rights in Permits Nos. MC-134323 (Sub-No. 2), MC-134323 (Sub-No. 5), MC-134323 (Sub-No. 6) and MC-134323 (Sub-No. 9) issued May 21, 1971, November 12, 1971, December 9, 1971 and April 7, 1972 respectively to Jay Lines, Inc., Amarillo, Tex., authorizing the transportation of various commodities from specified points in Kansas, Pennsylvania, and Indiana to points in Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1564 Filed 1-24-73;8:45 am]

[NOTICE 6]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 19, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed

by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 3252 (Sub-No. 84), filed November 29, 1972. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Environmental control systems and protective systems, equipment and parts;* and (2) *equipment, material and supplies* (except in bulk) used in the construction and installation thereof, from points in Maine to points in the United States located on and east of a line beginning at New Orleans, La., and extending along U.S. Highway 61 to the United States-Canada international boundary line located at or near Grant Portage, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 10794 (Sub-No. 3), filed December 8, 1972. Applicant: PERROW MOTOR FREIGHT LINES, INCORPORATED, 1012 Young Street, Charleston, WV 25322. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Charleston, W. Va., on the one hand, and, on the other, points in West Virginia and those in Bland, Tazewell, Montgomery, and Giles Counties, Va.; Gallia, Lawrence, and Washington Counties, Ohio; and Pike, Greenup, Boyd, Lawrence, Martin, Carter, Rowan, Johnson, and Floyd Counties, Ky. NOTE: Applicant states that the requested authority can be tacked at Charleston, W. Va. with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 19227 (Sub-No. 176), filed December 12, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and extrusions*, from El Campo, Tex., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that it can tack in Florida under the provisions of the lead docket, MC 19227 Paragraph 2 to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that it holds heavy hauling authority under MC 19227 and the following subs thereto: Sub 43 from Texas to Florida; Sub 75 from Texas to Kansas, Missouri, Nebraska, New Mexico, and Oklahoma; Sub 143 from Texas to Arizona; and under its lead docket MC 19227, Paragraph 4 to Alabama, Georgia, and South Carolina. In addition, applicant has authority from Arizona to points in California under MC 19227, Sub 125, and therefore, substantially duplicates the authority sought in this application to the extent that such commodities are under the heavy hauling authority but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 28067 (Sub-No. 16), filed December 1, 1972. Applicant: WILLIAMS MOTOR TRANSFER, INC., Vine Street, Barre, VT 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone* (except in dump and hopper type vehicles) and *stone finishing and setting equipment, materials and supplies* when moving with shipments of stone, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Maryland, Delaware, Virginia, Washington, D.C., Pennsylvania, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Cleveland, Ohio; (2) Boston, Mass.; or (3) Washington, D.C.

No. MC 31564 (Sub-No. 8), filed November 8, 1972. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, CT 06514. Applicant's representative: William J. Meuser, 81 Broad Street, Milford, CT 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Albany, N.Y., to (a) points in Union, Essex, Hudson,

Bergen, Passaic, and Middlesex Counties, N.J., (b) points in Westchester, Suffolk, and Nassau Counties, N.Y., (c) New York, N.Y., (d) Springfield, Mass., and (e) points in Connecticut; and (2) from Baltimore, Md., to Torrington, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 48213 (Sub-No. 35), filed November 24, 1972. Applicant: C. E. LIZZA, INC., Post Office Box 447, Latrobe, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and feed ingredients*, from Willow Island, W. Va., and Pearl River, N.Y., to points in Kansas, Iowa, Illinois, Georgia, Arkansas, Missouri, and Montana, under contract with American Cyanamid Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61396 (Sub-No. 237), filed November 24, 1972. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid argon, and compressed gases*, from Kansas City and Neosha, Mo., East Alton, Morris, Granite City, and Chicago, Ill., Ashland, Ky., Middletown and Warren, Ohio, and Mt. Vernon, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 64808 (Sub-No. 13), filed November 29, 1972. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, *antifreeze and advertising materials*, from Oil City, Reno, and Rouseville, Pa., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked at points in Marion County, W. Va. with its existing authority under MC 64808 so as to permit a through service to Ohio, however, it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 67200 (Sub-No. 38), filed December 13, 1972. Applicant: The FURNITURE TRANSPORT COMPANY, INC., Post Office Box 392, Furniture Row, Milford, CT 06460. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby carriages, strollers, play yards, and high chairs*, from Gardner, Mass., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 69116 (Sub-No. 151), filed December 8, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant sites and warehouse facilities of Fisher-Price Toys, Inc., located at or near Albion and Medina, N.Y., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83539 (Sub-No. 359), filed December 4, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production,, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, between Seattle, Wash., on the one hand, and, on the other, points in Colorado, Illinois, Michigan, Missouri, New Jersey, New York, Pennsylvania, Utah, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94350 (Sub-No. 324), filed September 13, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Rockingham County, N.C., to points east of the Mississippi River, including Louisiana and Minnesota.

No. MC 95876 (Sub-No. 131), filed November 29, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, and accessories*, from Florence, NJ., to points in the United States (except Maine, Vermont, New Hampshire, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Massachusetts, Alaska, and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95920 (Sub-No. 28), filed December 13, 1972. Applicant SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage containers, cartons, bottles and can openers, advertising matter, and brewery products, materials and supplies, and machinery* moving incidentally to the movement of malt beverages from Olympia, Wash., to points in Texas, and *empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter, and other materials, ingredients or supplies and machinery and equipment* used in the manufacture of malt beverages from points in Texas to Olympia, Wash., under continuing contract with Olympia Brewing Co., Olympia, Wash. NOTE: Applicant also holds common carrier authority under MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 97633 (Sub-No. 3), filed December 12, 1972. Applicant: L. A. CHITWOOD, Jr., Stark Industrial Park, Charleston, SC 29405. Applicant's representative: Archie B. Culbreth, Suite 246,

1252 West Peachtree St., Northwest, Atlanta, GA 30309. Authority sought to ing: *Telephone equipment and supplies*, operate as a *common carrier*, by motor vehicle, over irregular routes, transport-*including tools used in the construction and maintenance of telephone systems and communications*, between Charleston, S.C., and points in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, and Jasper Counties, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 101075 (Sub-No. 113), filed November 22, 1972. Applicant: TRANSPORT, INC., Post Office Box 396, Moorhead, MN 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Morton County, N. Dak., to points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 101474 (Sub-No. 23), filed December 11, 1972. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit and parts*, from Chicago, Ill., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105566 (Sub-No. 81), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating and industrial process products* (except in bulk), from Chicago, Ill., Sugar Land, Tex., Casper, Wyo., Garyville, La., and Bowman, N. Dak., to Chicago, Ill., and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, including all points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 105566 (Sub-No. 82), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Columbus, Ohio, to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 83), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles and carbon and copying paper and related articles*, from Cincinnati, Ohio, to points in California, Oregon, and Washington; (2) *plastic laminates and absorbent base paper*, from Cincinnati, Ohio, to points in California; (3) *absorbent base paper*, from Middletown, Ohio, to points in California; (4) *paper and paper articles including paper bags and wrapping paper*, between Cincinnati, Ohio, and Orange, Tex., with the service at Orange, Tex., limited to shipments stopped in transit to complete loading, on the one hand, and, on the other, points in Texas, Colorado, California, Washington, Oregon, Idaho, Nevada, and Louisiana; and (5) *printed matter*, between Cincinnati, Ohio, and Florence, Ky., on the one hand, and, on the other, points in Washington, Oregon, Montana, Wyoming, Idaho, California, Nevada, Arizona, Utah, Colorado, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 84), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boots or shoes, boot or shoe findings, pocketbooks, purses, or handbags*, and/or *hoisery*, from Columbus, Ohio, to points in Colorado, Wyoming, Montana, New Mexico, Idaho, Nevada, Arizona, Utah, Washington, Oregon, California, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 85), filed December 4, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Indianapolis, Ind. to points in Texas, New Mexico, Arizona, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 105566 (Sub-No. 86), filed December 22, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles and aluminum products*, from Shelbina, Mo., to points in Arizona, California, Idaho, Oregon, Utah, Nevada, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 87), filed December 22, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric arc welders and parts, steel welding wire flux, welding compounds, and related items* required in application of electric arc welding, from Troy, Ohio, to points in California, Oregon, Washington, Arizona, Nevada, Utah, Colorado, Montana, New Mexico, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 88), filed December 22, 1972. Applicant: SAM

TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Worthington, Ohio, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 106497 (Sub-No. 75), filed November 24, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912 (Business Route I–44 East), Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and parts* used in the construction, assembly, servicing, and operation of boats, ships, and submarines, the transportation of which, because of size or weight require the use of special equipment; and (2) *machinery, equipment, parts, and supplies* which do not require the use of special equipment, when moving in connection with (1) above; between the plant sites of Litton Industries, Inc. at Pascagoula, Miss., on the one hand, and on the other, points in the United States (including Alaska, but excluding Hawaii). (3) *Heat exchangers and equalizers* for air, gas, and liquids; and (4) *Equipment, materials and supplies* for heating, cooling, conditioning, humidifying, and dehumidifying of air, gas, and liquids, between points in Harrison, Hancock, and Jackson Counties, Miss., on the one hand, and, on the other points in the United States (including Alaska, but excluding Hawaii). RESTRICTION: Above (1), (2), (3), and (4) is restricted to traffic originating at or destined to points indicated and restricted against the transportation of commodities in bulk. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlantic, Ga., or New Orleans, La.

No. MC 107715 (Sub-No. 5), filed December 11, 1972. Applicant: DUQAL, LTD., 3308 Bandini Boulevard, Los Angeles, CA 90023. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from San Diego, Calif., to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107993 (Sub-No. 26), filed December 13, 1972. Applicant: J. J. WILLIS TRUCKING COMPANY, Post Office Box 20096, Dallas, TX 75220. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and/or cargo vans and empty cargo containers and empty cargo vans, between Galveston, Tex., on the one hand, and on the other, points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Montana, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108703 (Sub-No. 28), filed November 27, 1972. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, WA 98134. Applicant's representative: Jerrold L. Sharp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and feed or feed supplements, animal or poultry*, in bulk, in tank vehicles, between points in Washington, Oregon, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle or Pasco, Wash.

No. MC 109689 (Sub-No. 241), filed November 27, 1972. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diatomaceous earth*, in bulk from Quincy, Wash., to points in Sweetwater County, Wyo.; and (2) *benzol residual chlorinated* in bulk, from Henderson, Nev., to Irwindale, Calif. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 110098 (Sub-No. 131), filed November 6, 1972. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and T. W. Cothern (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Hart, Holland, and Lake Odessa, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Texas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 110683 (Sub-No. 90), filed November 8, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the plantsite and warehouse facilities of Chemetron Corp. at Monticello, Ind., as an off-route point in connection with applicant's regular-route authority between Indianapolis, Ind., and Morocco, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 111375 (Sub-No. 66), filed November 24, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in California, Washington, Oregon, and Idaho to points in Minnesota and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 376), filed November 13, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laundry supplies and materials, products of chemical processes, paint, lacquer, varnish and solvents*, in bulk, in tank- or hopper-type, vehicles, from Kansas City,

Kans.-Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that it intends to tack with presently held authority in its base certificate at Kansas City, Kans. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 111594 (Sub-No. 57), filed December 13, 1972. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and storage facilities of Fabricon Products, Division of Eagle-Picher Industries, at or near Grabill, Ind., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority in Certificate No. MC 111594 but does not indicate the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113025 (Sub-No. 5), filed December 11, 1972. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, SD 57732. Applicant's representative: A. Milton Evans, Box 1286, Rapid City, SD 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour—animal and mineral feeds* in bulk and/or in bags, from the plantsite of Hubbard Milling Co., located at or near Rapid City, S. Dak., to points and/or farmyard deliveries in Adams, Billings, Bowman, Golden Valley, Grant, Hettinger, Morton, Sioux, Slope, and Stark Counties, N. Dak., and points west of U.S. Highway 281 in Nebraska, under contract with Hubbard Milling Co., Rapid City, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 113267 (Sub-No. 291), filed December 12, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co., Memphis, Tenn., to points in Florida, Georgia, Louisiana, North Carolina, Ohio, South Carolina, Virginia, West Virginia, Alabama, and Mississippi. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Memphis, Tenn.

No. MC 113267 (Sub-No. 292), filed December 7, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, from Crossville, Tenn. to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked at Crossville, Tenn. but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Nashville, Tenn.

No. MC 113495 (Sub-No. 54), filed December 27, 1972. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 60628, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment, and parts thereof*, and (2) *materials, supplies, machinery and equipment used in the installation and operation of mining facilities* (except commodities in bulk), between the plantsite of Long-Airdox Company at or near Wurno, Va., on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority could be tacked with its existing authority under MC 113495 and subs 10, 30, and 34, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states duplicating authority held in MC 113495 in part, however, no duplicating authority sought by this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Roanoke, Va., or Nashville, Tenn.

No. MC 113535 (Sub-No. 27), filed December 1, 1972. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (a) from Ryan and Whittemore, Iowa, to points in Wisconsin, and (b) between Rochester, Minn., and points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113678 (Sub-No. 474), filed December 13, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from the plantsites, warehouse, and storage facilities utilized by Metro Meat Packing, Inc., located at or near St. Paul, Minn., Long Prairie, and Furgus Falls, Minn., to points in the United States (except Alaska and Hawaii); and (2) from points in South Dakota, North Dakota, Nebraska, Kansas, Missouri, Iowa, Illinois, and Wisconsin to the plantsites, warehouses and storage facilities named as origins in (1) above. Restriction: Restricted to traffic originating at the above-named origins and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; Omaha, Nebr.; or Denver, Colo.

No. MC 114019 (Sub-No. 243), filed December 8, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Container ends and iron and steel articles*, from Portage, Ind., to points in Illinois, Iowa, Missouri, Wisconsin, Minnesota, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 186) (Correction), filed November 24, 1972, published in the FEDERAL REGISTER, issue of December 28, 1972, and republished as corrected this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. NOTE: The purpose of this republication is to show the correct docket number as shown above in lieu of No. MC 115092 Sub 21 which was in error. The rest of the notice remains as previously published.

No. MC 114552 (Sub-No. 71), filed December 4, 1972. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Norfolk, Va., and Thomasville, Ga., to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 114552 and subs, at origin points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114562 (Sub-No. 9), filed November 29, 1972. Applicant: CROMARTIE TRANSPORT CO., a Corporation, Post Office Box 123, 8 East South Carolina Avenue, Wilmington, NC 28401. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and molasses mixtures with feed supplements*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 114725 (Sub-No. 53), filed November 24, 1972. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's repersentative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Fertilizer, fertilizer materials, and ammonium nitrate*, in bulk or bags, from the plantsite and warehouse facilities of Farmland Industries, Inc., at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming: NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115212 (Sub-No. 23), filed January 2, 1973. Applicant: H. M. H. MOTOR SERVICE, a Corporation, Route 130, Cranbury, N.J. 08512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing on hangers*, as dealt in by discount department stores, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Maine, Vermont, District of Columbia, New Hampshire, Massachusetts, North Carolina, Rhode Island, Connecticut, New York, South Carolina, Pennsylvania, New Jersey, Delaware, Virginia, and Maryland, under contract with Mammoth Mart, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115669 (Sub-No. 136), filed November 29, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and ammonium nitrate*, from warehouse site of Farmland Industries, Inc., located at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, and (2) *bentonite clay and foundry molding sand treating compounds*, in bulk, from the plantsite of the American Colloid Co., at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115793 (Sub-No. 15), filed November 22, 1972. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim and Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and warehouses of Bernhardt Furniture Co., at or near Statesville and Troutman, N.C., to points in Tennessee and Missouri, and *damaged, rejected, and returned new furniture and furniture parts* on return from the above-named destinations to the above-named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115840 (Sub-No. 84), filed December 11, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and Steel and iron and steel articles*, from Gulfport, Miss., to points in those States touched by, and east of the Mississippi River, Arkansas, Louisiana, Oklahoma, and Texas and (2) *ferrous scrap*, from points in Mississippi to Gulfport, Miss. Restriction: Restricted to traffic originating at, or destined to, Gulfport, Miss., and/or having a prior or subsequent movement by rail or water. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Gulfport, Miss., Jackson, Miss., or Mobile, Ala.

No. MC 116014 (Sub-No. 61) (Amendment), filed November 13, 1972, published in the FEDERAL REGISTER issue of December 14, 1972, and republished in part, as amended, this issue. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, KY 40391. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. NOTE: The sole purpose of this partial republication is to add Detroit, Mich., as a destination point. The rest of the application remains as previously published.

No. MC 116073 (Sub-No. 248) (Amendment), filed November 10, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished, as amended, this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: David L. Wanner, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jackson County, W. Va., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the commodity description to add "in initial movement" which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 117644 (Sub-No. 31), filed December 4, 1972. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chicago, Ill., and points

in Minnesota and Wisconsin to points in Pennsylvania, New York, New Jersey, Rhode Island, Vermont, Maine, Massachusetts, Connecticut, New Hampshire, Virginia, West Virginia, Delaware, Maryland and the District of Columbia, under contract with Land O'Lakes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117765 (Sub-No. 152), filed November 17, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in containers, (1) from the plantsite of Skelly Oil Co., located at or near Eldorado, Kans., to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin; and (2) from the plantsite of Southwest Grease & Oil Co., located at or near Wichita, Kans.; Champlin Petroleum Co., located at or near Enid, Okla.; and Cato Oil & Grease Co., located at or near Oklahoma City, Okla., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 153), filed November 22, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen foodstuffs*, in containers (except meats and meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses), from facilities of Baker Canning Co., located at or near Theresa, Wis.; Fall River Canning Co., located at or near Fall River, Wis.; and Oconomowoc Canning Co., located at or near Poynette and Waunakee, Wis., to New Mexico and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 14), filed November 29, 1972. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, OH 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from Valdosta, Ga., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin, under contract with Dowling Bag Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118431 (Sub-No. 6), filed December 12, 1972. Applicant: DENVER SOUTHWEST EXPRESS, INC., 605 South 14th Street, Lincoln, NE 68501. Applicant's representative: Mr. David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Mississippi, Louisiana, and Texas, to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, and Kansas, under contract with Pacific Gamble Robinson Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 118468 (Sub-No. 33) (Amendment), filed September 27, 1972, published in the FEDERAL REGISTER, issue of October 27, 1972, and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, IA 50523. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, adhesives, building materials and materials, supplies and equipment*, used in the manufacture, sale, distribution and installation of such commodities, between points in Cook County, Ill., and Lake County, Ind., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and the Upper Peninsula of Michigan, restricted to traffic originating and terminating at the plantsite and warehouse facilities utilized by United States Gypsum Co., its divisions and affiliates, under contract with United States Gypsum Co. NOTE: Applicant holds common carrier authority under MC 124813 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show that applicant now seeks contract carrier authority in lieu of common carrier authority. Applicant has been assigned the new docket series as shown above, in lieu of No. MC 124813 (Sub-No. 99). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118520 (Sub-No. 8), filed November 27, 1972. Applicant: ALASKA TRUCK TRANSPORT, INC., Post Office Box 1994, Anchorage, AK 99510. Applicant's representative: Ditus & Lazarus, 1016 West Sixth Avenue, Suite 300, Anchorage, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Cascade County, Mont., restricted to the transportation of traffic having a prior or subsequent movement to or from points in Alaska, and further restricted to the performance of pickup and delivery service in connection with packing, crating, loading and containerization or unpacking, uncrating, unloading or decontainerization of such traffic. NOTE: Applicant states that the requested authority can be tacked at Great Falls, Mont., with its general commodity authority in No. MC 118520 (Sub-No. 3) to serve points in Alaska. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 118831 (Sub-No. 92), filed December 6, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, NC 27262. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *liquid natural latex*, in bulk, from Baltimore, Md., to points in Kentucky; and (2) *trisodium phosphate*, dry, in bulk, from North Charleston and Charleston Heights, S.C., to Carteret, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119302 (Sub-No. 18), filed October 10, 1972. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 6077, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel, in coils*, from Sharon and Farrell, Pa., to Birmingham, Ala.; (2) *slit steel, in coils*, from Birmingham, Ala., to Amory, Miss.; and (3) *fabricated steel pipe*, from Amory, Miss., to Geneva, Ohio, and the operations in (1), (2), and (3) above performed under a continuing contract or contracts with the True Temper Corp. of Cleveland, Ohio. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119383 (Sub-No. 6), filed December 1, 1972. Applicant: PORTLAND MOTOR TRANSPORT, a corporation, Post Office Box 217, North Portland, OR 97043. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuel oil*, in bulk, in tank vehicles, from Manchester, Wash., to points in the Willamette National Forest in Marion, Linn, and Lane Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 119632 (Sub-No. 56), filed December 4, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Food and food products*, from Fremont, Rockford, and Ohio City, Ohio, Jonesville, Mich., and Clay, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and *materials, supplies, and equipment* used in the processing, production, packaging, and distribution of food and food products, from points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia to Fremont, Rockford, and Ohio City, Ohio, Jonesville, Mich., and Clay, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority and is willing to accept any appropriate restriction concerning same. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119656 (Sub-No. 11), filed November 21, 1972. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toolboxes*, from Rochester, Ind., to points in the United States (except Alaska and Hawaii), and on return *hardware and paint*, from Chicago, Ill., to the plantsite of Utrail Co., Inc., at Rochester, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123233 (Sub-No. 40), filed September 11, 1972. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, PQ, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Highgate Springs, Vt., to points in Vermont, restricted to shipments originating in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 123383 (Sub-No. 64), filed November 22, 1972. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th and H Streets NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and particleboard*, from Chesapeake, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 113), filed December 18, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass, glass glazing units, automotive glass, and boat glass*, from the plantsites of PPG Industries, Inc., located at Ford City and South Greensburg, Pa., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 114), filed December, 18, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Oregon, Ohio, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No MC 123407 (Sub-No. 115), filed December 26, 1972. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Carleton, Mich., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 123744 (Sub-No. 8), filed December 1, 1972. Applicant: BUTLER TRUCKING COMPANY, a corporation, Post Office Box 88, Woodland, PA 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, and materials and supplies* used in the installation of refractory products, (1) from points in Pennsylvania to points in Florida, Georgia, South Carolina, and Texas and (2) from the plantsite and facilities of Kaiser Refractories at Frostburg, Md., and Columbiana, Ohio, to points in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Clearfield, Pa., so as to permit service from Columbiana, Ohio, to points in Virginia, West Virginia, and the District of Columbia (Sub-No. 4) without undue circuity. Also at Sub-No. 4, tacking would be possible on traffic originating at Columbiana, Ohio, over either Clearfield or Mount Union, Pa., to points in Alabama, Louisiana, Mississippi, Missouri, North Carolina, and Tennessee. Other tacking would involve excess circuity. Applicant intends to provide through service to points in the Canadian Provinces of Ontario and Quebec. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123936 (Sub-No. 5), filed December 4, 1972. Applicant: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 208 Kinsley Avenue, Providence, RI 02903. Applicant's representative: Russell B. Curnett, Post Office Box 135A, Harwich, MA 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by retail department stores in retail delivery service, between Boston, Mass., and points in Rhode Island, points in Fairfield, Hartford, Litchfield, Middlesex, New London, New Haven, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, and Worcester Counties, Mass. NOTE: Common control may be involved. Applicant states that the requested authority will be tacked with its existing authority wherein it provides service between Boston, Mass., and points in

Rhode Island, points in Hartford, Middlesex, New London, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Hampden, Norfolk, Plymouth, and Worcester Counties, Mass. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 124692 (Sub-No. 98), filed November 29, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth, Minn., to points in Montana, Oregon, Washington, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 125521 (Sub-No. 20) (Correction), filed August 28, 1972, published in the FEDERAL REGISTER issues of October 27, 1972, and December 28, 1972, and republished as corrected this issue. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. NOTE: The purpose of this republication is to show the correct docket number as shown above in lieu of No. MC 12551 (Sub-No. 20), which was in error. The rest of the notice remains as previously published.

No. MC 125521 (Sub-No. 23), filed December 1, 1972. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and on return trips *empty containers or other such incidential facilities* used in transporting such commodities, from Newport, Ky., and Evansville, Ind., to Port Clinton, Ohio; Bowling Green, Ohio, and points within 3 miles thereof; Tiffin, Ohio, and Fostoria, Ohio, and points within 4 miles thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that the proposed operations are under contract with Heineman Beverages, Inc.; Bowling Green Beverages, Inc.; The Tiffin Beverage Co.; and Hanson Distributing Co., doing business as Beerco. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Lansing, Ohio.

No. MC 125747 (Sub-No. 5), filed December 3, 1972. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit-based beverages and fruit based concentrate*, from dock of Home Juice Co., at the City of West Allis, Milwaukee County, Wis., to docks of Home Juice Co., in Menominee County, and in Dickinson County, Mich., and also to deliver and pickup such commodities at stations for Home Juice Co., products between West Allis, Wis., and Menominee and Dickinson Counties, Mich., and West Allis, Wis., under contract with Home Juice Co., a corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 125759 (Sub-No. 3), filed October 20, 1972. Applicant: HERBERT W. HAIDLE, doing business as MINSHELL'S EXPRESS, 1313 Ligonier Street, Latrobe, PA 15650. Applicant's representative: Henry J. Mahady, 119 South Maple Avenue, Greensburg, PA 15601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Westmoreland Latrobe Airport at Unity Township (Westmoreland County), Pa., on the one hand, and, on the other, points in Westmoreland and Indiana Counties, Pa., and those points in Fayette County, Pa., north of Pennsylvania Highway 711, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greensburg, Pittsburgh, or Harrisburg, Pa.

No. MC 125996 (Sub-No. 32), filed December 8, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the plantsite and warehouse facilities of Sara Lee at or near New Hampton, Iowa, to points in Connecticut, Delaware, Illinois, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C.; and (2) *meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from the plantsite and storage facilities utilized by Cudahy Co., at Omaha, Nebr., to points in Alabama, Florida, and Georgia, (b) from the plantsite and storage facilities utilized by Mid-Continent Meats, Inc., at Omaha, Nebr., and Wichita, Kans., to points in Alabama, California, Colorado, Florida, Georgia, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Tennessee, Texas, and (c) between the plantsite and storage facilities utilized by Mid-Continent Meats, Inc., at Omaha, Nebr., and Wichita, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126159 (Sub-No. 7), filed December 4, 1972. Applicant: ROC-SALT TRANSPORT, INC., 1551 South Carferry Drive, Milwaukee, WI 53207. Applicant's representative: Frank M. Coyne, 25 West Maine Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from LaSalle, Peru, Chicago, and Lemont, Ill., to points in Wisconsin and those in the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 72), filed December 6, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vheicle, over irregular routes, transporting: (1) *Glass containers*, from Carteret and Jersey City, N.J., to Champaign, Ill.; and (2) *plastic containers*, from Mt. Carmel, Pa., to Champaign, Ill., under a continuing contract, or contracts, in (1) and (2) above with Metro Containers, a division of Kraftco Corp., at Jersey City, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126625 (Sub-No. 11), filed November 29, 1972. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Bluegrass Airport, Lexington, KY 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Branch County Memorial Airport, located at or near Coldwater, Mich., and points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia. Restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Louisville, Ky.

No. MC 127283 (Sub-No. 7), filed November 29, 1972. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, IL 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Whitehead,

S.C., and Brentwood, Calif., to points in the United States (except Alaska and Hawaii), under contract with Wedron Silica Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127424 (Sub-No. 2), filed December 5, 1972. Applicant: JOHN R. SLINGSBY, doing business as ILLINI-GOPHER TRUCK LINES, 611 Hopkins Avenue, Granville, IL 61326. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquarium gravel*, from Lyndhurst, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Minnesota, Wisconsin, Missouri, and Kansas, under contract with Clifford W. Estes Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127565 (Sub-No. 1), filed December 8, 1972. Applicant: CITY TRANSFER COMPANY, LTD., 2144 Auiki Street and Sand Island Access Road, Honolulu, HI 96819. Applicant's representative: W. K. Watkins, Jr., 400 Gasco Building, 1060 Bishop Street, Honolulu, HI 96813. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii. NOTE: Applicant's previous application in 1966 was denied by the Commission due to the commodity class exemption in Ex Parte No. MC–59 which no longer applies to this filing. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 127784 (Sub-No. 2), filed December 13, 1972. Applicant: R & G AIR-FREIGHT, INC., Rural Delivery No. 4, Allentown, Pa. 18103. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between the Philadelphia International Airport, Philadelphia, Pa., and the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa., on the one hand, and, on the other, points in Warren County, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128343 (Sub-No. 21), filed December 7, 1972. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire and cable, and related accessory parts*, from Pawtucket and Cranston, R.I., and South Attleboro, Mass., to points in the United States (including Alaska and Hawaii), and *materials, equipment, and supplies* on return from points in the United States (including Alaska and Hawaii) to Pawtucket and Cranston, R.I., and South Attleboro, Mass., under a continuing contract, or contracts, with American Insulated Wire Corp. at Pawtucket, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Providence, R.I.

No. MC 128355 (Sub-No. 13), filed December 5, 1972. Applicant: HURLIMAN TRUCKING COMPANY, a corporation, 300 Ohio, Buffalo, NY 14204. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in South Dakota, North Dakota, Wyoming, Montana, Idaho, Oregon, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, under contract with Rich Products Corp., M.C.O. Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128410 (Sub-No. 1), filed November 24, 1972. Applicant: TOM BALISTRERI, 2930 Espy Avenue, Pittsburgh, PA 15216. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in New York on and west of U.S. Highway 15 to the plantsites of Mulach Steel Corp., located in Pittsburgh, Carnegie, and South Fayette Township (Allegheny County), Pa., with no transportation for compensation on return except as otherwise authorized, under continuing contract with Mulach Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128868 (Sub-No. 3), filed December 5, 1972. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, a corporation, Route No. 2, Box 78–A, Round Rock, TX 78664. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank or hopper type vehicles, (1) from the plantsite of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plantsite of United States Gypsum Co. at or near New Braunfels, Tex., to points in Louisiana, New Mexico, and Oklahoma; (3) from the plantsite of Austin White Lime Co., at or near Austin, Tex., to points in Oklahoma; (4) from the plantsite of Round Rock Lime Co., at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plantsite of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 128870 (Sub-No. 2), filed December 5, 1972. Applicant: NATIONAL MATERIALS CORPORATION, Post Office Box 187, New Braunfels, TX 78130. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank- or hopper-type vehicles, (1) from the plantsite of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) the plantsite of United States Gypsum Co., at or near New Braunfels, Tex., to points in Oklahoma; (3) the plantsite of Austin White Lime Co., at or near Austin, Tex., to points in Louisiana, New Mexico, and Oklahoma; (4) the plantsite of Round Rock Lime Co., at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; (5) the plantsite of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 129124 (Sub-No. 8), filed November 24, 1972. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the facilities of Walter C. Best, Inc., at or near Chardon (Geauga County), Ohio, to Claysburg and Sproul, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129324 (Sub-No. 2), filed December 8, 1972. Applicant: TAYLOR MOORE'S EXPRESS COMPANY, 1836 Pitney Road, Absecon, NJ 08201. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Philadelphia, Pa., to points in Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a

hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129325 (Sub-No. 4), filed December 7, 1972. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchman Street, New Orleans, LA 70100. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, La., to points in Florida east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 231 to Panama City, Fla.; thence along U.S. Highway 98 to San Blas, Fla., thence in a straight line south of San Blas to the Gulf of Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129510 (Sub-No. 5) (Amendment), filed July 5, 1972, published in the FEDERAL REGISTER issues of August 3, 1972, and November 23, 1972, and republished in part, as amended, this issue. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., Salinas, Calif. 93901. Applicant's representative: John Paul Fisher, 140 Montgomery Street, San Francisco, CA 94104. By letter dated November 2, 1972, applicant amended the application to add an additional part (10) as previously published in the FEDERAL REGISTER issue of November 23, 1972. By a second letter also dated November 2, 1972, applicant again amends the application to include the said part (10), and also an additional part (11) which reads as follows: "(11) *Sheet steel*, in coils, from Port Carbon, Pa., to the plantsite of Industrial Building Materials, Inc., at Los Angeles, Calif." NOTE: The sole purpose of this partial republication is to reflect the additional authority sought in part (11). The rest of the application remains as previously published on August 3, 1972, and November 23, 1972.

No. MC 129588 (Sub-No. 6) (Correction), filed August 28, 1972, amended and published in the FEDERAL REGISTER issue of December 14, 1972, and republished, as corrected, this issue. Applicant: R. J. ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, Post Office Box 4, Corsicana, TX 75110. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, furniture parts, and plastic shutters, and equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities, between Avon Park, Fla., Butler, Pa., Canton and Jackson, Miss., Coal City, Ill., Conyers, Ga., Dover, N.H., Fort Smith, Ark., Gainesville and Yoakum, Tex., Roland, Iowa, and Tennent, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) *lighting fixtures, lamps and shades, electric heaters, wall decors, and fireplace accessories, and equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities, between Brooklyn, N.Y., Chattanooga, Tenn., Fall River, Mass., Kansas City, Mo., Nesquehoning, Pottsville, and Schuylkill Haven, Pa., on the one hand, and, on the other, points in those States named in (1) above; (3) *cleaning compounds, paint and paint material, furniture polish, wax and wax remover, and sealants* moving in mixed shipments with cleaning compounds and/or paint and paint material, and *equipment, materials, and supplies* used in or in connection with manufacture and distribution of these commodities, between Garland, Tex., on the one hand, and, on the other, points in those States named in (1) above; and (4) *cleaning compounds, paint and paint material, furniture polish, wax and wax remover, and sealants* moving in mixed shipments with cleaning compounds and/or paint and paint material, between Chicago, Chicago Heights, Elgin, and Joliet, Ill., Greensboro, N.C., Pennsauken, N.J., and Columbus, Ohio. Restriction: Restricted in (1), (2), (3), and (4), against the transportation of commodities in bulk and further restricted to operations performed under a continuing contract with De Soto, Inc. NOTE: The purpose of this republication is to delete section (1) of the previous published amended request for authority and indicate the applicant's requests for authority as published herein. Applicant states that the requested authority cannot be tacked with its existing authority, and that no duplicating authority is sought.

No. MC 133796 (Sub-No. 14), filed December 8, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dampers, penthouses, screening grilles, and drapery products* as used in environmental systems, from the plantsite of the Brandt Airflex Corp. at Champaign, Ill., to points in the United States (except Hawaii), and *shipper-owned packing, carting, and unloading equipment* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133884 (Sub-No. 5), filed December 15, 1972. Applicant: BRUCE FULLER, and Individual, 1710 Main Street, Buhl, ID 83316. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sacks and sisal products*, from points in Oregon to the facilities of Rangen, Inc., at or near Buhl, Idaho, under a continuing contract, or contracts, with Rangen, Inc., at Buhl, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133940 (Sub-No. 2), filed December 5, 1972. Applicant: EDWARD P. STROUTH, 903 Cumberland Street, Bristol, VA 24201. Applicant's representative: Albert B. Cooper, Jr., Bank of Virginia Building, State Street, Bristol, Va. 24201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, rags, and waste material*, from Hackensack, Newark, and Kearny, N.J., to Brownsville, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bristol, Va.

No. MC 134439 (Sub-No. 2), filed November 30, 1972. Applicant: JAMES G. FERNEYHOUGH, doing business as J. G. F. TRUCKING COMPANY, Post Office Box 2173, Lynchburg, VA 24501. Applicant's representative: Calvin P. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper sheets, containers, and parts thereof*, and (2) *returned or refused shipments* of the above commodities and *materials, equipment and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture and sale of same, (1) from the plantsite and facilities of Weyerhaeuser Co. located at or near Lynchburg, Va., to points in Maryland, Pennsylvania, Tennessee, and West Virginia; and (2) from the above-described destinations to the plantsite and facilities of Weyerhaeuser Co. located at or near Lynchburg, Va., under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 135535 (Sub-No. 4), filed November 24, 1972. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, KS 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fifth wheel travel trailers* (in tow away service), also *pickup trucks*, when moving with fifth wheel travel trailers, between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the

other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and (2) *self propelled motor homes* (in drive away service) between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with El Dorado Industries, Inc., of Minneapolis, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135643 (Sub-No. 4), filed November 24, 1972. Applicant: SAFE TRANSPORT, INC., 610 Cooper Street, Hamilton, IL 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough-sawn cooperage stock, barrel staves, and heading*, from Delavan, Hamilton, Murphysboro, Peoria, and Tremont, Ill., to Lebanon and Louisville, Ky., Little Rock, Ark., and Jackson, Tenn., under a continuing contract, or contracts, with Hiram Walker & Sons, Inc., at Peoria, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 136101 (Sub-No. 1), filed November 17, 1972. Applicant: J. M. LeCLAIRE CO., INC., Post Office Box 272, Oconomowoc, WI 53066. Applicant's representative: Ruth C. Lembcke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and related cheese products*, from Mayville, Wis., to Chicago, Ill., under contract with Red Rooster Cheese Co., Inc., at Mayville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 136771 (Sub-No. 2), filed November 28, 1972. Applicant: E. H. TEUNISSEN, an individual, Route No. 1, Cedar Grove, Wis. 53013. Applicant's representative: Arthur J. Olsen, 602 North Sixth Street, Sheboygan, WI 53081. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Waterloo and Monticello, Iowa, and Chicago, Ill., to points in Sheboygan, Calumet, Ozaukee, and Manitowoc Counties, Wis., and returned movements of rejected or refused shipments on return, under a continuing contract, or contracts with A. L. Wagner & Co., Inc., at Haven, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sheboygan, Milwaukee, or Green Bay, Wis.

No. MC 136832 (Sub-No. 1), filed October 30, 1972. Applicant: SOUTHERN IDAHO TRANSPORT, INC., Post Office Box W, Filer, ID 83328. Applicant's representative: Harold W. Caldwell, 500 Main Street, Filer, ID 83328. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes, corrugated fiber pulpboard, and fiberboard lining material*, from the plantsites and storage facilities of Longview Fibre Co. at or near Twin Falls, Idaho, to points in Utah, and Malheur County, Oreg., under a continuing contract, or contracts, with Longview Fibre Co. at Twin Falls, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Twin Falls or Boise, Idaho.

No. MC 136842 (Sub-No. 1), filed November 29, 1972. Applicant: MIDNIGHT EXPRESS, INC., Box 496, Dana, IL 61321. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick*, from Galesburg, Ill., to points in Indiana, Iowa, Kentucky, Minnesota, Missouri, Michigan, and Wisconsin, under contract with Galesburg Brick Co., Galesburg, Ill.; and (2) *brick* from Streator, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin under contarct with Streator Brick Systems, Inc., Streator, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 136939 (Sub-No. 2), field November 16, 1972. Applicant: CLAYTON'S INC., 210 West Broadway, Ucon, ID 83454. Applicant's representative: Harlan W. Clayton, Box 141, Ucon, ID 83454. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Emery County, Utah, to Idaho Falls, Rexburg, and Ucon, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not state place.

No. MC 138097 (Sub-No. 2), filed December 1, 1972. Applicant: PERCY KAGEL, doing busines as KAGEL TRUCKING, 405 Fifth Avenue, Ironton, MN 56455. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Minnesota in and north of the counties of Wilkin, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine, to points in Illinois, Indiana, Iowa, Michigan, Nebraska, North Dakota, South Dakota, and Wisconsin. *Lumber*, (a) from points in the Upper Peninsula of Michigan, and those in Wisconsin on and north of a line extending from Hudson, Wis., over U.S. Highway 12 to junction with Wisconsin Highway 29, thence over Wisconsin Highway 29 to Green Bay, to points in Iowa and Minnesota. (b) From points in Iowa and North Dakota to points in Minnesota in and north of the counties of Wilkin, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine. (c) From points in the Upper Peninsula of Michigan to points in Wisconsin on and north of a line extending from Hudson over U.S. Highway 12 to junction with Wisconsin Highway 29, thencé over Wisconsin Highway 29 to Wausau, thence east of U.S. Highway 51 from Wausau to Hurley. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138130 (Sub-No. 1), filed November 10, 1972. Applicant: AIRPORT COURTESY SERVICE, INC., 101 Naylor Avenue, St. Louis, MO 63121. Applicant's representative: Eugene Timbrell Oborn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Delayed, misplaced, or rerouted baggage* originally intended to accompany the passenger, from St. Louis International Airport (Lambert Field) at St. Louis, Mo., to Alton, Baldwin, Belleville, Benld, Bethalto, Breese, Brighton, Bunker Hill, Cahokia, Carbondale, Carrolton, Carlinville, Carlyle, Casyville, Collinsville, Columbia, Cottage Hills, Dow, Dupo, East Alton, Edwardsville, East Carondelet, East St. Louis, Elsah, Fayetteville, Freeburg, Gillespie, Godfrey, Grafton, Granite City, Greenville, Highland, Hardin, Hartford, Hillsboro, Jerseyville, Keyesport, Lebanon, Litchfield, Madison, Maryville, Mascoutah, Millstadt, Nashville, New Athens, New Baden, O'Fallon, Okawville, Otterville, Pierre Marquette, Prairedurocher, Red Bud, Roxanna, Scott Field, Shiloh, Smithon, Staunton, Sparta, St. Elmo, St. John, Trenton, Troy, Tilden, Waterloo, Woodriver, and Worden, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Chicago, Ill.

No. MC 138219 (Sub-No. 1), filed December 5, 1972. Applicant: DELWOOD FURNITURE COMPANY, INC., Expressway Tower, 10th Floor, Dallas, Tex. 75206. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baby seats, strollers, swings, cellulose sheets, children's carts and vehicles including parts thereof, games, new infant furniture, crated and uncrated, and toys*, from Compton, Calif., to points in New York, New Jersey, North Carolina, South Carolina, Georgia, Alabama, Florida, Virginia, Maryland, Delaware, Pennsylvania, Ohio, Tennessee, and the District of Columbia, under continuing contract with Strolee of California, a division of U.S. Industries, Inc., (2)

plastic films, sheets, and bags from Minneapolis, Minn., to points in North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Georgia, and Virginia, under continuing contract with Poly-Tech, a Division of U.S. Industries, Inc., and (3) *wooden doors*, from Miami, Fla., to points in Georgia, South Carolina, and North Carolina, under a continuing contract with Mims & Thomas, a division of U.S. Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138275, filed November 24, 1972. Applicant: FISHER AND BROTHER, INC., 438 West 51st Street, New York, NY 10019. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Nassau, Suffolk, Sullivan, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester, New York, Kings, Queens, Bronx, and Richmond Counties, N.Y.; Delaware, Bucks, Montgomery, and Chester Counties, Pa., New Jersey, Connecticut, and Philadelphia, Pa., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138289, filed November 27, 1972. Applicant: H & T TRUCKING CO., INC., Post Office Box 5373, Boise, ID 83705. Applicant's representative: Stephen L. Beer, Post Office Box 1256, Boise, ID 83701, and F. L. Sigloh, Post Office Box 7651, Boise, ID 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile homes*, from the plantsite of Manorwood Corp. at or near Caldwell, Idaho, to points in Montana, Nevada, Idaho, Utah, and Wyoming; (2) *mobile home chassis and air conditioning ducts*, from the plantsite of Schott Industries, Inc., at or near Boise, Idaho, to points in Montana and Idaho; and (3) *mobile homes*, from the plantsite of Grizzly Manufacturing Co. at or near Hamilton, Mont., to points in Idaho, under continuing contracts in (1), (2), and (3) above with Manorwood Corp. at Caldwell, Idaho, Schott Industries, Inc., at Boise, Idaho, and Grizzly Manufacturing Co. at Hamilton, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 138291, filed December 1, 1972. Applicant: WALTER T. BRADLEY, doing business as, BRANT TRANSPORTATION, East Bay View Road, Dennis, MA 02638. Applicant's representative: Joseph A. Kline, 31 Milk Street, Boston, MA 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel structural shapes*, from Bethlehem and Fairless, Pa., and Lackawanna, N.Y., to Quincy, Mass., under contract with L. Antonelli Iron Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 441), filed November 24, 1972. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: John F. Ward (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between points in North Bergen, N.J., from the junction of 69th Street and Tonnele Avenue (Bergen Turnpike) over 69th Street, West Side Avenue, and 83d Street to junction 83d Street and Tonnele Avenue (Bergen Turnpike), and return over the same route, serving all intermediate points; and (2) between Runnemede, Gloucester Township, and Magnolia, N.J., from the boundary of Runnemede and Gloucester Township at the junction of New Jersey Highway 41 and Evesham Road, over Evesham Road and Evesham Avenue (Clements Bridge and Evesham Road) to the junction of Evesham Avenue and U.S. Highway 30, Magnolia, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant also holds broker license passenger authority under its No. MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS FOR FREIGHT FORWARDERS

No. FF-326 (Sub-No. 1) (ATLAS VAN LINES INTERNATIONAL CORP. extension—Domestic traffic), filed January 8, 1973. Applicant: ATLAS VAN LINES INTERNATIONAL CORP., 1212 St. George Road, Post Office Box 509, Evansville, IN 47701. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, NY 10048. Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle, water in the transportation of: *Household goods*, as defined by the Commission, *unaccompanied baggage* and *used automobiles between* points in the United States (including Alaska, Hawaii and the District of Columbia).

No. FF-432 (TUCOR SERVICES, INC. Freight forwarder application), filed January 15, 1973. Applicant: TUCOR SERVICES, INC., 640 Sacramento Street, San Francisco, CA 94111. Applicant's representatives: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006, and Mr. A. A. Von Sabo (same address as applicant). Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit authorizing operations as a freight forwarder, in interstate or foreign commerce, in the forwarding of: *Used household goods, unaccompanied baggage, and used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export and import traffic.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130186 filed December 11, 1972. Applicant: VERGIL M. WEBB, MARIAN H. WEBB and LARRY H. WEBB, a partnership, doing business as HOLIDAY WORLD TOURS, 2364 Evergreen Avenue, Salt Lake City, UT 84109. Applicant's representative: Marian Webb, (same address as applicant). For a license (BMC-5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in group tours only, in special and charter operations, beginning and ending at points in California, Nevada, Utah, Arizona, Idaho, Washington, and Oregon, and extending to points in the United States including Alaska and Hawaii.

No. MC 130187, filed December 15, 1972. Applicant: YOUR MAN TOURS, INC., 8348 Lincoln Boulevard, Los Angeles, CA. Applicant's representative: Frank J. Dupuis (same address as applicant). For a license (BMC-5) to engage in operation as a *broker* at Los Angeles, Calif., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in group tours only, in special and charter operations, beginning and ending at Los Angeles, Calif., and extending to points in California and Nevada.

No. MC 130188, filed December 11, 1972. Applicant: NORTH AMERICAN TOURS, INC., 712 Cherry Street, Wheaton, IL 60187. Applicant's representative: Bruce R. Johnson, 321 James tSreet, Geneva, IL 60134. For a license (BMC-5) to engage in operations as a *broker* at Wheaton, Ill., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, accompanied by tour directors and/or chaperones, beginning and ending within a 50-mile radius of Wheaton, Ill., and extending to points in the United States including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 43587 (Sub-No. 5), filed December 12, 1972. Applicant: UNITED HAULAGE CO., INC., 11-22 Welling Court, Long Island City, NY 11102. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Westchester Counties, N.Y., restricted to the interlining of freight and trailers. NOTE: The requested authority seeks only to substitute an interchance point with the applicant's presently authorized operations in No. MC 43587 and Subs thereunder. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1472 Filed 1-24-73;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

Page

PROCLAMATIONS:

3279 (amended by Proc. 4178) 1719
3548 (see Proc. 4177) 7
3558 (see Proc. 4177) 7
3562 (see Proc. 4177) 7
3597 (see Proc. 4177) 7
3709 (see Proc. 4177) 7
3790 (see Proc. 4177) 7
3822 (see Proc. 4177) 7
3856 (see Proc. 4177) 7
3870 (see Proc. 4177) 7
3884 (see Proc. 4177) 7
4026 (see Proc. 4177) 7
4138 (see Proc. 4177) 7
4177 7
4178 1719
4179 2319
4180 2321

EXECUTIVE ORDERS:

July 11, 1911 (partially revoked by PLO 5327) 2429
July 10, 1913 (partially revoked by PLO 5327) 2429
Dec. 15, 1914 (partially revoked by PLO 5327) 2429
Feb. 23, 1915 (partially revoked by PLO 5327) 2429
3256 (see PLO 5323) 735
11248 (amended by EO 11699) 2323
11582 (see EO 11696) 1722
11588 (superseded by EO 11695) 1473
11615 (see EO 11695) 1473
11627 (see EO 11695) 1473
11640 (superseded by EO 11695) 1473
11660 (superseded by EO 11695) 1473
11674 (superseded by EO 11695) 1473
11694 729
11695 1473
11696 1722
11697 1723
11698 2207
11699 2323
11700 2325

5 CFR

213 953, 1115, 1269, 1635, 2327
352 2327

6 CFR

101 962
130 1479
300 1173, 1269, 1377
Rulings 1115, 1270, 1497–1499

7 CFR

10 963
32 964
51 2439
52 1640
53 2209
301 843, 1725
354 1377
401 1726
711 967
722 967
730 844, 2439
811 844
812 845
814 846
818 2328
907 744, 1270, 1500, 1728, 2209
910 847, 1115, 1378, 1575, 2169, 2329
912 847, 1378, 1920
913 848
915 1640, 1921
971 1116, 1641
1050 849
1421 968, 1379, 1575
1474 1575
1822 1174
1832 2169
1864 1174

PROPOSED RULES:

44 885
51 798
722 1053
Ch. IX 1197
918 1395
928 1395
982 2178
1032 1202
1040 2374
1043 2374
1049 1892
1050 1202
1062 1202, 1281
1064 1202
1065 1202
1421 1054
1427 1053
1430 799
1434 2334
1701 1055, 1395, 2178, 2464

8 CFR

212 1379
299 1379

9 CFR

76 849, 1116, 1577, 1578, 1922, 2441
82 1578
92 1578
94 1729
97 1380, 2442

PROPOSED RULES:

92 2463
317 1746
318 1746
445 1104
446 1104
447 1104

10 CFR

0 1271
1 2330
2 1500, 2330
4 2330
20 1271
30 1271, 2330
31 1271
32 1271
34 1271
35 1272
36 1272
40 1272, 2330
50 1272
55 1272
70 1272, 2330
71 1272
73 1272
100 1272
115 1272
140 1272
150 1273, 2330

PROPOSED RULES:

19 802
20 805
50 49

12 CFR

201 2330
220 1500
265 2442

PROPOSED RULES:

21 31
216 54
326 51
545 891
546 1334
563 1334
563a 53
563b 1334
571 1334
613 2336
614 2336
619 2336

13 CFR

123 2269
Ch. III 2269
301 1174

14 CFR

39 850, 851, 1117, 1381, 1501, 1579, 2210, 2330, 2331
71 298, 851, 852, 1118, 1273, 1381, 1382, 1501, 1579–1581, 1730, 1922, 1923, 2170, 2331, 2332, 2443
73 298, 1273, 1501, 1502, 1923, 2210
75 298, 1635, 1924
91 852, 1175
93 2170
97 852, 1176, 1924, 2443
242 744
288 745
385 1118
389 1119
399 754

PROPOSED RULES:

39 888, 1124, 1396, 1593
71 889–891, 1124, 1125, 1510, 1511, 1644, 1747, 1937–1940, 2219, 2335
73 891, 1283, 1511, 1747
91 800

14 CFR—Continued

PROPOSED RULES—Continued

	Page
93	2178
207	1396
212	1396
241	1125
298	50
378	1396

15 CFR

4a	1383
1000	9

16 CFR

4	1730, 2210
13	968–971, 1120, 1273, 1502, 1581, 1635, 2444, 2445
15	1732

PROPOSED RULES:

433	892

17 CFR

19	2445
210	1733
211	1733–1735, 2446
231	1733–1735
239	1736, 2446
240	1121
241	1733–1735, 1737
249	2446
251	1734
271	1734, 1735

PROPOSED RULES:

Ch. II	2220
210	1747, 1748
230	2468
231	1748
240	56, 894, 1125, 1646–1648
241	1749
249a	1125
250	2220
259	2220
270	1284, 2180
275	1649

18 CFR

2	1503, 2170
154	1388, 1504
201	755, 1388, 1585, 2171
204	755, 1586, 2171
205	755
260	1389, 1586, 2173

PROPOSED RULES:

2	809, 1517
35	2336
141	1652
153	1519
154	1055, 1519
156	1519
157	1519
201	1055
260	1055, 1125

19 CFR

4	1587, 2448
6	2449
8	2449
9	2449
10	2449
11	2449
16	1018
23	2449
123	2449
148	2449
153	2210

19 CFR—Continued

PROPOSED RULES:

4	1936
10	1936
12	1642
132	1642

20 CFR

Ch. I	2650
614	2211
615	1925
701	2650
702	2651
703	2662
704	2667

PROPOSED RULES:

726	1591

21 CFR

1	2124, 2125, 2132
2	1925
3	853, 2132, 2137
19	1176, 1925
51	1177
121	11, 1177, 1635, 1925
128	854
128b	2398
131	853
135	1274
135a	1739, 2173
135b	1273, 2173, 2174, 2398
135c	856, 1273, 1505, 2174, 2332
135e	1274, 1739
135g	1274
146c	1178
278	1926
301	756
308	757, 856, 857, 953
316	757

PROPOSED RULES:

1	2138, 2139, 2141, 2143
3	799, 2141, 2143, 2150
5	2141
11	1019, 2219
15	2334
18	2143, 2152
19	1218, 2152
20	2150, 2152
27	2152
45	2152
80	2152
121	47
125	2143
130	885
135c	1219
141a	1219
146a	1219
191	799, 2179
273	48
295	1510

22 CFR

41	1389
42	1389

PROPOSED RULES:

86	30

24 CFR

203	2417
207	2417
220	2417
275	1926
1910	1001
1914	859, 1001, 1390, 1391, 1740
1915	1002, 1391, 1392

25 CFR

233	758

26 CFR

1	12, 21, 758, 767, 860, 2417
13	767, 860
31	866
48	1505
53	768, 868
301	2332

PROPOSED RULES:

1	774, 776, 883, 2336
20	776
25	776
53	32
301	776

28 CFR

0	1018
16	1741

29 CFR

14	2418
40	1636
55	2211
1604	2428
1622	2428
1623	2428
1625	2428
1628	2428
1630	2428
1631	2428
1680	2428
1952	1178, 2421, 2423, 2426

PROPOSED RULES:

1910	1593, 2465
1923	1746
1999	2465

30 CFR

PROPOSED RULES:

55	2219
56	2219
57	2199
90	1520

31 CFR

0	972
103	2174
128	1637
344	1739

32 CFR

274	858
505	1742
807	973
809	973
809b	981
811	982
811a	983
872	984
889	986
890	989
905	990
907	991
1604	731, 2428
1621	731
1622	731, 732, 2428
1623	732, 733, 2428
1625	731, 2482
1628	731, 2428
1630	733, 2428
1631	732, 733, 2428
1660	734
1680	733, 2428
1705	1927
1710	2333

PROPOSED RULES:

1460	2219

32A CFR

Page

Ch. X:
OI Reg. 1 ..... 1274, 1928

33 CFR

3 860
92 1587
110 ..... 23, 1928
117 2428
209 ..... 1637, 1928

PROPOSED RULES:

110 1937
117 ..... 1510, 2466

36 CFR

175 887

PROPOSED RULES:

7 1122

38 CFR

3 ..... 871, 872
13 872

PROPOSED RULES:

1 1058
14 1058
21 2337

39 CFR

122 1931
134 1566
510 1275
520 1275
530 1275
540 1275
550 1275
560 1275
570 1275
601 1275
619 1275

40 CFR

6 1696
80 1254
180 ..... 23, 1275, 1742, 2428

PROPOSED RULES:

51 1464
52 2194
80 1258
125 1362

41 CFR

1–7 991
1–16 993
1–19 993
3–1 1392
3–3 ..... 1392, 2212
3–75 2214
5A–2 1931
5A–3 735

41 CFR—Continued

Page

5A–16 1932
5A–53 735
5A–76 1932
5B–2 1276
5B–16 1276
9–5 2429
9–7 1276
9–59 1276
60–1 1932
60–50 1932
101–26 2176

PROPOSED RULES:

15–16 1219
60–1 1124

42 CFR

78 1933

43 CFR

2800 1587

PUBLIC LAND ORDERS:

5322 735
5323 735
5324 736
5325 1588
5326 1588
5327 2429
5328 2429
5329 2429
5330 2430

PROPOSED RULES:

3110 ..... 1281, 1746
3540 1591

45 CFR

82 997
177 ..... 24, 1509
1060 736

PROPOSED RULES:

233 49
1400 1021
1403 1022
1406 1023
1408 1025
1410 1026
1412 1027
1414 1031

46 CFR

25 1000
146 1276
184 1000
294 1277
310 2215
390 2430

PROPOSED RULES:

Ch. I 2467
146 1937
Ch. IV 2468

46 CFR—Continued

Page

PROPOSED RULES—Continued

505 892
506 2468

47 CFR

0 ..... 998, 1505
1 1913
17 739
25 1180
73 ..... 26, 27, 739, 1195, 1913, 1918, 2180, 2430
74 743
76 1195
78 1920
81 ..... 1196, 1505
83 1196
97 1505

PROPOSED RULES:

1 1511
2 ..... 1513, 1941
61 1223
73 ..... 805, 1223, 1511, 1516, 1941, 2180
74 1941
78 807
81 ..... 1513, 1941
83 ..... 1513, 1941
89 ..... 808, 1516
91 ..... 1513, 1516
93 ..... 1516, 1517

49 CFR

172 1507
173 1507
213 ..... 873, 1508
252 2435
392 1589
394 2177
395 ..... 1589, 1934
571 743
577 2215
1033 ..... 876–878, 1508, 1742, 2217
1280 1393
1311 2177

PROPOSED RULES:

215 2467
393 800
571 ..... 1055, 1645

50 CFR

10 879
18 1743
28 ..... 879, 1743, 1744, 2437
32 2437
33 ..... 880, 881, 1279, 1280, 1744, 1745, 1934, 2438
240 882

PROPOSED RULES:

12 1936
17 ..... 1521, 2178
275 1122
280 1521

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–721	Jan. 3	1491–1567	Jan. 15
723–835	4	1629–1712	17
837–945	5	1713–1905	18
947–1107	8	1907–2164	19
1109–1165	9	2165–2200	22
1167–1261	10	2201–2311	23
1263–1370	11	2313–2410	24
1371–1490	12	2411–2668	26
1569–1627	16		

federal register

FRIDAY, JANUARY 26, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 17

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 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 volumes causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 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 Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

SET FORTH BELOW IN THIS DOCUMENT ARE THE FOLLOWING

A new Area Wage Determination Decision number AP–618 for Illinois.

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):

Alaska	AM–2,506; AM–2,507, Aug. 5, 1972. AM–6,726; AM–6,727, May 1972.
Illinois	AP–68, Dec. 8, 1972. AP–79, Dec. 22, 1972.
Louisiana	AP–363, Dec. 1, 1972.
Pennsylvania	AP–454, Jan. 5, 1973.
Texas	AP–353; AP–354, Nov. 1 1972.

Supersedeas 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; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Illinois	AM–336(AP–616); AM–340 (AP–603), Aug. 13, 1971. AM–8,628(AP–621); AM–8,629(AP–615); AM–8,630(AP–604), June 30, 1972. AP–5(AP–617), Aug. 4, 1972.
Louisiana	AP–311(AP–397) Aug. 18, 1972. AP–318(AP–398), Aug. 25, 1972.
Pennsylvania	AM–1,855(AP–462); AM–1,861(AP–463), Aug. 20, 1971. AM–5,967(AP–465); AM–5,972(AP–467); AM–5,973(AP–464), Dec. 17, 1971. AM–5,969(AP–466), Jan. 7, 1972.
Texas	AP–343(AP–393); AP–344 (AP–391); AP–345(AP–390), Sept. 29, 1972. AP–355(AP–394), Nov. 3, 1972. AP–357(AP–396); AP–358 (AP–388), Nov. 10, 1972. AP–368(AP–395), Dec. 8, 1972. AP–370(AP–389), Dec. 15, 1972. AP–371(AP–392), Dec. 22, 1972.

Signed at Washington, D.C., this 19th day of January 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

STATE: ILLINOIS COUNTY: MADISON
DECISION NUMBER: AP-618 DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

60 - Illinois A 1 of 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Asbestos workers	$8.53	.20	.17			
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	7.95		.50	1.00		
Alton, Wood River & Vicinity	9.00	.30	.50			
Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters	8.235	.45	.90			
Cement masons:						
Cement masons	8.525	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.96	.20	1%		.2%	
Remainder of County	8.46	3½%	1% + .25	.51	.25%	
Elevator Constructors:						
Elevator constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR	.105	.125	½% + a&b	.005	
Probationary helpers	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.50	.40	.45			
Laborers:						
Alton:						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging gunnite machine & nozzle operator	7.55	.25	.30		.035	
Sandblasting, rip/rapping work	7.55	.25	.30		.035	
Wood River:						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging, machine & nozzle opr on gunnite	7.55	.20	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell:						
Common laborers	7.20	.25	.35		.035	
Oxygen lanching	7.75	.25	.35		.035	
Cutting, burning & welding	7.525	.25	.35		.035	
Plasterers' & brickmasons tenders	7.75	.25	.35		.035	
Dynamite & powdermen	8.775	.25	.35		.035	
Dynamite & powdermen helpers	7.775	.25	.35		.035	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Collinsville:						
Burning & cutting w/torch (2 men),	$7.65		.20		.035	
Raking & luting asphalt	7.40		.20		.035	
Dropping & wrapping of pipe	7.40		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe	7.80		.20		.035	
Power saw operators	7.80		.20		.035	
Any work performed in/or on all cased wells	7.80		.20		.035	
Mason tenders	8.15		.20		.035	
Plasterers tenders	8.15		.20		.035	
Dynamite men	8.95		.20		.035	
Dynamite men helpers	8.20		.20		.035	
Common laborers	7.65		.20		.035	
Edwardsville:						
Common laborer	7.85				.035	
Men working on sewer work from building to main sewer	7.95				.035	
Men working in main sewer ditch	8.10				.035	
Plaster & mason tender and related work	8.35				.035	
Dynamite & powder men	9.375				.035	
Dynamite & powder men helpers	8.375				.035	
Glen Carbon:						
Common laborer	7.65		.20		.035	
Work in sewer ditch	7.90		.20		.035	
Handling creosoted materials	7.90		.20		.035	
Cutting torch	7.90		.20		.035	
Mason tender & related work	8.15		.20		.035	
Plaster tender & related work	8.15		.20		.035	
Dynamite men	9.175		.20		.035	
Dynamite men helpers	8.175		.20		.035	
Highland:						
Common laborers	7.50		.20		.035	
Work bottom of sewer	7.75		.20		.035	
Mason & plasterers tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	

AP-618 P. 3

60 - Illinois 3 of 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers - (Cont'd)						
Livingston:						
Common laborers	7.50		.20		.035	
Work on bottom of sewer	7.75		.20		.035	
Mason tender, plasterer tender	8.00		.20		.035	
Marine:						
Common laborer	7.30		.20		.035	
Work in sewer trenches (final grading)	7.55		.20		.035	
Laying & caulking sewer pipe	7.55		.20		.035	
Mason tender, plaster tender	7.80		.20		.035	
Troy:						
Common laborer	7.50		.20		.035	
Cutting or burning torch	7.75		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterer tenders	8.00		.20		.035	
St. Jacob:						
Common laborers	7.50		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterers tenders	8.00		.20		.035	
Lathers	5.175	.15		.45		
Lead burners	6.90	.30		c	.01	
Line Construction:						
Alton & Vicinity						
Linemen	7.96	.20	1%		.2%	
Groundmen & groundmen truck driver	6.96	.20	1%		.2%	
Groundmen truck driver w/winch	7.16	.20	1%		.2%	
Remainder of County						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operator	6.92	3½%	1%		.25%	
Groundmen truck driver with winch	5.63	3½%	1%		.25%	
Groundmen truck driver without winch	5.63	3½%	1%		.25%	
Pick ups or jeeps	5.25	3½%	1%		.25%	
Groundmen	5.21	3½%	1%		.25%	
Marble setters:						
Alton, Wood River, & Vicinity	9.00	.30	.50			
Remainder of County	7.94	.17	.45			
Millwrights	8.335	.45	.30			
Piledrivermen	8.335	.45	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	9.31	6%	6%			
Southern half of County	8.00	.32	.40	.40		

AP-618 P. 4

60 - Illinois 4 of 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.98	.20	.25	6%	.01	
Soft floor layers	8.335	.45	.30			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.65					
Terrazzo workers helpers:						
Helpers & floor machine operators	4.60					
Base machine operators	4.90					
Tile setters:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.91	.175	.45			
Tile setters helpers	5.43	.175		e		
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.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

Illinois-82-PAINTERS-1 B

PAINTERS: Residential	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH.
Brush	$7.65	.25	.15			
Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	7.90	.25	.15			
Mechanical tools & devices such as power sanders, buffers, needle guns taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.65	.25	.15			
Spraying air-less with 24" fan or over	8.65	.25	.15			

AR-513 T. 6

Illinois 2-PEO-1-2 H 1 of 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant op., concrete plant oprs., Ditching Mach. or Backfillers (requiring Oilers), Dredges, asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes roller, Steam or gas, concrete Breakers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyors (two), air compressors (two), water pumps regardless of size (two) Welding machines (two), Siphone or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or pushcats, scoops or Tournapulls, bulldozers, Endloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Form grading machines, Finishing machines, power subgrader or Ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (one)						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
distributor operators on trucks, Siphons or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

ILLINOIS-2-TD-1-2-3 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 3/4E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$5.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, bug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,506 - Mod. #4 (36 FR 17168 - August 27, 1971) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Carpenters	$9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
Sheet Metal Workers	11.15	.31	.50		.07	
DECISION #AM-2,507 - Mod. #4 (36 FR 17173 - August 27, 1971) Area III, Alaska (East of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
DECISION #AM-6,726 - Mod. #4 (37 FR 9157 - May 5, 1972) Area II, Alaska (South of the 63rd Parallel and West of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	
Sheet Metal Workers	11.15	.31	.50		.07	
DECISION #AM-6,727 - Mod. #4 (37 FR 9160 - May 5, 1972) Area III, Alaska (East of the 141st Meridian)						
Change:						
Carpenters	9.46	.45	1.00		.15	
Millwrights	9.96	.45	1.00		.15	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-68 - Mod. #1 (37 FR 26240 - December 8, 1972) Will County, Illinois						
Change:						
Asbestos workers	$9.00	.50	.475			
Boilermakers	8.75	.40	.75	4%	.01	
Boilermakers' Helpers	8.65	.40	.75	4%	.01	
Ironworkers, Structural, ornamental & reinforcing	9.20	1.35	.125		.02	
Plumbers & Pipefitters (within the City Limits of Joliet)	8.65	.47	.50		.05	
Sheet Metal Workers	9.20	.25	.20		.02	
DECISION # AP-79 - Mod. #1 (37 FR 28368 - December 22, 1972) Sangamon County, Illinois						
Change:						
Bricklayers & Stonemasons	7.40	.35	.30		.02	
Cement Masons: Building	7.85				.02	
Marble Setters	7.40	.35	.30			
Terrazzo workers	7.40	.35	.30			
Tile Setters	7.40	.35	.30			

DECISION #AP-363 - Mod. #3
(37 FR 25638 - December 1, 1972)
Rapides Parish, Louisiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Millwrights	$6.40					
Carpenters	5.65					
Piledrivermen	6.15					
Laborers:						
Powderman	4.05	.15				
Asphalt rakers & tampers; asphalt smoothers & shovelers; blasters helpers, pipelayers (concrete & clay); Kettlemen	3.70	.15				
Chain saw operator	3.65	.15				
Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; creosote material handlers & acid workers; air tool operator (jackhammer, vibrator); mason tenders (cement); mortar mixers (dry & wet); buggy operators (concrete)	3.60	.15				
Laborers, building & construction: Laborers, concrete, unskilled; mason tenders; plasterers' tenders; stone mason helpers; carpenter helpers	3.40	.15				
Power Equipment Operators:						
Oiler	5.10	.25	.15			
Mechanic Helper	5.32	.25	.15			
Oiler-Driver	5.56	.25	.15			
Scaleman	5.60	.25	.15			

DECISION #AP-363 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Duty Operators: Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on street & roads (Motorized); Winch truck, A-Frame (other than handling steel or pipe)	$5.80	.25	.15			
Heavy Duty Operators: Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, (2 drums & over); Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on Asphalt or Brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	6.80	.25	.15			

MODIFICATIONS P. 5

DECISION #AP-454 - Mod. #1
(38 FR 943 - January 5, 1973)
Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pennsylvania

Change:

42-LAB-2-3-J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprn. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Shecters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.59	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pile drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

MODIFICATIONS P. 6

DECISION #AP-454 (Cont'd).

42-LAB-2-3-J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprn. Tr.
Laborers (cont'd):					
Signal man, Whacker	$ 5.81	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.81	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.10	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.24	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline	7.70	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.57	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.81	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.10	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.24	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-353 - Mod. #3 (37 FR 23519 - November 3, 1972) Jefferson & Orange Counties, Texas						
Change: Plumbers	$7.87				.03	
DECISION #AP-354 - Mod. #3 (37 FR 23521 - November 3, 1972) Jefferson & Orange Counties, Texas						
Change: Plumbers	7.87				.03	

SUPERSEDEAS DECISION

AP-603 P. 2

STATE: ILLINOIS COUNTY: WILLIAMSON
DECISION NUMBER: AP-603 DATE: Date of Publication
Supersedes Decision No. AM-340 dated August 13, 1971 in 36 FR 15210
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Construction.

100-ILLINOIS R

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.75	.15	.10			
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65		.01	
Bricklayers	7.50	.35	.35			
Carpenters (Building & Heavy)						
Carpenters & Soft Floor Layers	6.26	.25	.25		.02	
Millwrights & Piledrivermen	6.26	.25	.25		.02	
Cement masons (Building)	6.95	.15				
Cement masons (Heavy)	6.90	.15				
Electricians	8.95	.25	12%+.20		3%	
Ironworkers-Structural, Ornamental & Reinforcing	7.00	.35	.50		.02	
Glaziers	7.415	.26	.20		.01	
Laborers	5.35		.30		.035	
Leadburners	6.90	.30		a	.01	
Painters:						
Marion & Vicinity						
Commercial	5.70					
Industrial	5.95					
Spray & Sandblasting	6.75					
Herrin & Vicinity						
Brush, Roller, Drywall Taping	4.70					
Structural Steel	5.20					
Spray	5.75					
Plasterers	6.95	.15				
Plumbers & Steamfitters	7.75		.50	.35	.02	
Roofers	4.00					
Sheet Metal Workers	7.98	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	
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.

FOOTNOTE:
a. Eight paid holidays, A through F plus Washingtons' Birthday, Good Friday & Christmas Eve., providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Illinois-17-PED-1-2-3-K (1 of 3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
1. Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flex-plane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser	$7.75	.25	.45		.035	
2. Roller, self-propelled, Power sub-grader; Elevator operator	7.50	.25	.45		.035	
3. Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.25	.25	.45		.035	
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	6.95	.25	.45		.035	
4. Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.55	.25	.45		.035	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth-
5. Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Hudr-lift (single motor); Straw mulcher blower w/spout	$7.75	.25	.45		.035	
6. Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.50	.25	.45		.035	
7. Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.00	.25	.45		.035	
8. Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	6.95	.25	.45		.035	
9. Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.70	.25	.45		.035	

POWER EQUIPMENT OPERATORS (Cont'd) RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
10. Crane, shovel, dragline 4 yds. or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$7.85	.25	.45		.035	
11. Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	6.95	.25	.45		.035	

Illinois 5-TD-1-2-3 - T

TRUCK DRIVERS -	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Appr. Tr.	Other
GROUP I Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork-lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, bug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.55	.35	a			
GROUP III Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters, track trucks, semitrailer water trucks Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 -34E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.75	.35	a			
GROUP IV Drivers on heavy equipment over 16 cu. yds. or 24 tons such as Kochring or similar dumpsters; track trucks, Euclids, bug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheel water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: WINNEBAGO
DECISION NO: AP-604 DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-8630, dated June 30, 1972, in 37 FR, 13052
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

101 Ill. G 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	8.75	.40	.75	4%	.01	
Boilermakers' helpers	8.65	.40	.75	4%	.01	
Bricklayers & Stonemasons	7.40	.25	.40	.45	.02	
Carpenters:						
Building	7.35	.25	.10	.20		
Heavy	7.20	.30	.20			
Cement masons:						
Building	6.80	.25	.45			
Heavy	6.80	.20	.45			
Electricians	8.25	.20	1%+.147			
Elevator constructors:						
Elevator constructors	6.57	.17	.185	2%+a&b	.005	
Helpers	4.60	.17	.185	2%+a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	6.57	.26	.20	.40	.01	
Ironworkers; structural, ornamental & reinforcing	8.65	.40	.375		.05	
Laborers: (Building)						
Air tool op. (jackhammer, vibrator)	6.05	.20	.20		.035	
Laborers	5.75	.20	.20		.035	
Mortar mixers	5.90	.20	.20		.035	
Cement handlers & dumpers	5.90	.20	.20		.035	
Concrete puddling	5.90	.20	.20		.035	
Stone derrick man, concrete saws	6.05	.20	.20		.035	
Mechanical buggies	5.90	.20	.20		.035	
Lathers	5.74	.15	.10		.01	
Lead burners	6.90	.30		c	.01	
Line construction:						
linemen Digger operator	8.10	.25	1%		.25%	
Groundmen equipment op. & tractor op	5.50	.25	1%		.25%	
Groundmen	5.30	.25	1%		.25%	
Millwrights	7.78	.25	.25			
Painters:						
Brush, roller	6.75	.15		.50		
Structural steel, brush	7.00	.15		.50		
Spray	7.10	.15		.50		
Spray (structural steel)	7.55	.15		.50		
Catalyzed expoxy - Brush & roller	7.10	.15		.50		
Drya wall tapers	6.95	.15		.50		
Piledrivermen	7.35	.25	.10		.01	
Plasterers	6.93	.20			.01	
Sheet metal workers (western ½ of Co.)	7.33	.17				
Sheet metal workers (Eastern ½ of Co.)	7.15	.20	.30	.50		

101 Ill. G 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers:						
Composition	6.85	.15	.40			
Slate, tile & Precast	6.85	.15	.40			
Soft floor layers	7.35	.25	.10			
Marble, Tile & Terrazzo workers	7.15	.25		.25		
Marble, Tile & terrazzo workers helpers	5.45	.10				
Sprinkler fitters	8.75	.35	.50		.05	
Steamfitters & Plumbers	7.25	.35	.40		.02	
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. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to thr holiday, and the regular schedule work days immediately preceding and following the holiday.

AP-604 P. 3

ILLINOIS 6-LAB-2-3 T 1 Of 2

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Common laborers, track layers, hand spikers, swampers on tractors, trucks dragline & cranes, deck hand dump man, guard rails, tending heaters, tree trimming, mesh, continous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction flagman, watchman, waterboy, signal man, rod & chain	$5.75	.20	.20		.035	
Curing, compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carpenters tenders, brick & cement mason tenders & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	5.90	.20	.20		.035	
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproofing walls & foundations, culverts & wing walls by brushes or orllers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slop wall steel, gunite workers, Laser beam, bottoming & Pointing sewer tile, jackhammer blasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	6.05	.20	.20		.035	

AP-604 P. 4

ILLINOIS 6-LAB-2-3 T 2 of 2

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Burning bar, dynamite man	6.35	.20	.20		.035	
6 to 12 ft. below ground	5.90	.20	.20		.035	
12 to 18 ft. below ground	6.05	.20	.20		.035	
Over 18 ft. below ground	6.55	.20	.20		.035	
Work 25 to 35 ft. above ground	6.05	.20	.20		.035	
Work 35 to 50 ft. above ground	6.20	.20	.20		.035	
Wrok 50 to 75 ft. above ground	6.50	.20	.20		.035	
Work 75 ft. and over above ground	6.70	.20	.20		.035	
Catch basin and manholes	6.35	.20	.20		.035	

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
Asphalt plant asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco and machines of a like nature, derrick all, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-one, two & three drum, locomotives all, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication and water), rock drill-crane type, slipform paver, straddle buggies, tractor with boom, tractaire (with attachments), trenching machines, underground boring and/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	$8.90	.40	.40	.10	.02	
CLASS II						
Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 75 series to and including 27 cu. ft., concrete spreader concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, sub-grader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), roto-tiller, seaman, etc., (self-propelled), scoops, tractor drawn, self propelled compactor, spreader, chip, stone, etc., scraper, tractor, push, pulling foot, disc, compactor, etc., tug boats	$8.40	.40	.40	.10	.02	
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class II hourly rate for each hour and for each machine attached there to add $1.00 to Class II hourly rate for each hour						
CLASS III						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (two bag & over) conveyor portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoist-automatic, hoist-all elevators, hoists-tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers-all, steam generators, stone crushers, stump machine, tank car heater, winch trucks with "A" frame, work boats, tamper form motor driven	7.80	.40	.40	.10	.02	
CLASS IV						
Air compressor-all, asphalt spreader, back end man, generators, heater-mechanical, light plants (all 1 through 5), pumps-all, pumps-well points, tractaire	6.85	.40	.40	.10	.02	
CLASS V						
Oilers	5.85	.40	.40	.10	.02	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I:						
Asphalt plant, asphalt heater and planer combination, asphalt spreader, autograde, batch plant, belt loader, benoto (requires two engineers), bituminous mixer, boiler & throttle valve, bulldozers, bullfloat, caisson rigs, central redi-mix plant, combination backhoe front endloader machine, compressor and throttle valve, concrete breaker (truck mounted), concrete breaker or hydro hammer, concrete conveyor, concrete grinding machine, concrete paver over 27E cu. ft., concrete mixer or paver 7S series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, concrete tube float, cranes (all attachments), cranes, Linden, derricks (all), derrick boats, derricks, traveling, dredges, euclid loader, elevating type, finishing machine-concrete, gradall (and machines of a like nature), grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, grader elevating, grouting machine, highlift shovels or front endloader, hoists, one, two & three drum, hydraulic boom trucks (all attachments), locomotives (all), dinky locomotives, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers and skid rig, pipe jacking machines, post-hole digger, pre-stress machine, pump cretes dual ram, pump cretes; squeeze cretes-screw type, pumps gypsum, bulker and pump, rock drill (self-propelled), rock drill - crane type, rototiller, seaman, etc. (self-propelled), scoops, tractor drawn, compactor (self-propelled), slipform paver, spreader, chip, stone, etc., straddle buggies, scraper prime mover under 30 cu. yds., tank car heater, tractors, push, pulling sheeps foot, disc or compactor, concrete placer tractaire						

POWER EQUIPMENT OPERATORS (Continued):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
(with attachments), tractor with boom, trenching machines, tug boats, work boats, underground boring and/or mining machines 5 ft. or over (60" diameter and over, tunnel etc.), wheel excavator, widener (Apsco)	$9.05	.40	.50	.20	.02	
Scraper - prime mover over 30 cu. yds. (add 50¢ to Class I hourly rate)						
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class I hourly rate for each hour and for each machine attached thereto add $1.00 to Class I hourly rate for each hour)						
CLASS II:						
Boilers, broom (all power propelled), cement supply tendor, concrete mixer (two bag and over), conveyor, portable, firemen on boilers, forklift trucks, greaser engineer, hoists, automatic, hoists (all elevators, hoists, tugger single drum, jeep diggers, power saw, concrete, power-driven, pug mills, rollers (all), stone crushers, stump machine, winch trucks with "A" frame, tamper form-motor driven, steam generators	7.90	.40	.50	.20	.02	
CLASS III:						
Air compressor (all), asphalt spreader (back end man), generators, heaters, mechanical, lite plants (all), pumps (all), pumps well points, tractaire, welding machines (2 thru 6)	7.00	.40	.50	.20	.02	
CLASS IV:						
Oilers	6.05	.40	.50	.20	.02	

AF-604 P. 9

ILLINOIS-3-TD-1-2-3 F 1 of 2

TRUCK DRIVERS

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air compressors & welding machines, Ambulances, Batch trucks, 2-34E batches or less, Batch trucks, 3-34E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skip,en, Tramsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
A fram truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel truck over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel truck 10 cubic yards & under, Slurry trucks 2 man operation, tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.25	.25			
Batch crets and/or adgetors under7 yds., Batch trucks, over 3-34E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six(6) wheel trucks under 10 cubic yards	5.60	.15	.15			
Batch crets & or adgetors 7 yds., or over, Cement tank truck 17 ton & over, Explosive and/or Fission Materail trucks, Low boy 6 axles & over, Mixer trucks 7 yds & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Sump over 16 yds., Slurry trucks 1 man operation.	5.80	.15	.15			

AF-604 P. 10

ILLINOIS-3-TD-1-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equip,emt or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-615
COUNTY: VERMILION
DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-8529, dated June 30, 1972, in 37 FR 13047
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

92-ILLINOIS V 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.75	.20	.20		.02	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	8.175	.30				
Carpenters:						
North of Rossville- Building Const.						
Carpenters, Millwrights, Piledrivermen & Soft Floor Layers	7.95	.25				
Remainder of the County						
Building Construction	7.69	.30	.25		.02	
Heavy Construction	7.57	.25			.02	
Cement Masons:						
Building Construction	6.75					
Heavy Construction	8.075			.30		
Electricians, Linemen & Equipment Operators	7.98	.25	1%+.20		.25%	
Elevator Constructors:						
Elevator Constructors	7.385	.195	.20	2%+a&b	.005	
Helpers	5.17	.195	.20	2%+a&b	.005	
Helpers (Probationary)	50%JR					
Glaziers	5.02					
Ironworkers, Structural, Ornamental & Reinforcing	7.60	.25	.45		.01	
Laborers (Heavy Construction)						
Unskilled	6.55	.25	.30		.035	
Semi-Skilled	6.70	.25	.30		.035	
Skilled	6.75	.25	.30		.035	
Sewer Construction:						
Tunnel Miners, Muckers & Bottom Men	6.95	.25	.30		.035	
Lathers	7.72	.30	.20		.01	
Leadburners	6.90	.30		c	.01	
Marble Setters	8.175	.30				
Millwrights (Remainder of County)						
Building Construction	7.94	.30	.25		.02	
Heavy Construction	7.82	.25			.02	
Painters:						
Brush	6.25					
Spray	7.25					
Piledrivermen (Remainder of the County)						
Building Construction	7.69	.30	.25		.02	
Heavy Construction	7.57	.25			.02	
Plasterers	6.75					
Plumbers & Steamfitters	7.55	.30	.25		.05	

AP-615 P. 2

92-ILLINOIS 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers (All)	$7.20					
Soft Floor Layers (Remainder of County)	7.69	.30	.25		.02	
Sheet Metal Workers	6.225	.25	.175	.65		
Sprinkler Fitters	8.75	.30	.50		.05	
Tile Setters	7.925	.30				
Tile Setters' Helpers	5.575					
Terrazzo Workers	8.175					
Terrazzo Workers' Helpers	5.575					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six Paid Holidays: A through F.

c. Eight Paid Holidays, A through F plus Washingtons' Birthday, Good Friday & Christmas Eve., providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

LABORERS: (Building)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
COMMON LABORERS:						
All sewer workers plus depth pay						
Asphalt Plant Laborers						
Bankmen on Floating Plant						
Batch Dumpers						
Carpenter Tenders						
Cleaning Lumber						
Cofferdam workers plus depth pay						
Deck Hand, Dredge Hand and shore laborer						
Dispatchers						
Driving of Stakes, Stringlines for all machinery						
Fencing Laborers						
Firemen or Salamander Tenders						
Fireproofing Laborers						
Fire Shop Laborers						
Flagmen						
Form Handlers						
Gravel Box Men, Dumpmen and Spotters						
Janitors						
Laborers with De-Watering Systems						
Lanscapers						
Laying of Sod						
Material Checkers						
Material Handlers						
Pit Men						
Plastic Installers						
Planting of Trees						
Removal fo Trees						
Rip Rap Men						
Rod and Chainmen						
Scaffold Workers						
Tool Cribmen						
Track Laborers						
Unloading Explosives						
Unloading and Carrying Lath						
Unloading and Carrying of re-bars						
Wrecking, Dismantling Building, Wallmen and Housemovers						
Wrecking Laborers						
Writer of Scale Tickets	$6.25	.25	.30		.035	
SEMI-SKILLED						
Asphalt Workers with machine, Asphalt Raker and Layers						
Cement Handlers						
Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag)						
Chain Saw						
Chloride Handlers						
Concrete Workers (wet)						
Grade Checker						

LABORERS: (Building) Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Handling of materials treated with oil, creosote, asphalt and/or any foreign material hamrful to skin or clothing						
Kettle and Tar men						
Mason Tenders						
Mortar Mixer Operators						
Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials						
On Concrete Paving, Placing, Cutting and Typing of Reinforcing						
Signal Man on Crane Tank Clearners						
Tunnel Helpers in free air						
Vibrator Operators	6.40	.25	.30		.035	
SKILLED:						
Air Tamping Hammerman						
Caisson Workers Plus Depth						
Concrete Burning Machine Operator						
Concrete Saw Operator						
Corning Machine Operator						
Gunnite Nozzle Men						
Jackhammer and Drill Oprators						
Laborers Handling Masterplate or similar materials						
Laborers Tending Masons with hot material or where foreign materials are used						
Laser Beam Operator						
Layout Man and/or Tile Layer						
Leadman on sewer work						
Luteman						
Multiple Concrete Duct - Leadman						
Plasterer Tenders						
Ready Mix Scalemen, Portable or temporary plant						
Screenman on Asphalt Pavers						
Steel Form Setters - Street and Highway						
Welders, Cutters, Burners and Torchmen	$6.50	.25	.30		.045	

AP-615 P. 5

ILLINOIS 1 - PED - J 1 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I: Utility Operator	$6.135	.25	.35		.05	
CLASS II: Power Cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor highlift shovel, fork lifts, tournadozer, mixer over 14-s capacity, tournamixer, two drum machine or two cage hoists, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam and brick surface, ross carrier or similar machine, gravel processing machine, asphalt plant engineer or pug mill, two (2) Air Compressors, hetherington Paver Operator, farm tractor with half yard bucket and/or back hoe attachment, Tench machines cutting over 24", Dredging equipment, central mix plant engineer, CMI or similar type machine, concrete spreader	$7.60	.25	.35		.05	
CLASS III: Air compressors 200 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, euclid loader, soil cement machine, mixer 14-S capacity or less, tench machine cutting 24" and under, Back filler, Elevating machine, Power blade, asphalt plant engineer, well drilling machines, paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, Boring machine, Tractors winch, head equipment greasers, barger green loaders, formless paver, farm tractor with less than half yard bucket and other attachments except back hoe, well point system	7.30	.25	.35		.05	

AP-615 P. 6

ILLINOIS 1 - PED 2 of 2

POWER EQUIPMENT OPERATORS (Continued):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Power Subgrader, Bull float, Form grader, Finishing machine, Pavement breaker, Rock crushers	$6.825	.25	.35		.05	
CLASS IV: One drum machine, Air compressor less than 200 cu. ft. capacity, Concrete pump, Gunite machine, Air tuggers, Truck crane drivers, House elevators when used for hoisting material, Two to Four generators or welding machine, Mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, engine tenders, fireman, wagon drill, Flexplane, Conveyor, Two to four water pumps, siphon and pulsometer, Switchman, firemen on paint pots, Firemen on asphalt plants, distributor operator on trucks, tampers, power boom, post hole digger, self-propelled concrete saw, striping machine (moter driven), form tamper, seaman tiller, bulk cement plant equipment greaser	6.40	.25	.35		.05	
CLASS V: Track jack, Mud jack, Operators to do winter repair work in shop between November 1st and March 1st, Concrete buggies motor driven oilers, Barrel type mixer, one welding machine or one water pump, Apprentice engineers, air valves or steam valves from plant	6.00	.25	.35		.05	

AP-615 P. 7 Ill.-21-PEO-2-3 A 1 of 2

POWER EQUIPMENT OPERATORS: HEAVY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift, tournadozer, concrete mixers with skep, tournamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tracter, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt plant engineer, paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader	$7.50	.25	.25		.05	

AP-615 P. 8 Ill.-21-PEO-2-3 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS II						
Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket	$7.37	.25	.25		.05	
CLASS III						
One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting material, engine tenders, fireman, wagon drill, flex plane, conveyor, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, self-propelled power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, deck hand	5.27	.25	.25		.05	

AP-615 P. 9

ILLINOIS 4-TD-1-2-3-S 1 of 2

TRUCK DRIVERS-Building and Heavy Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II						
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation porposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batches	6.55	.35	a			
GROUP III						
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors	6.75	.35	a			

AP-615 P. 10

ILLINOIS 4-TD-1-2-3 2 of 2

TRUCK DRIVERS - Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP IV						
Drivers on heavy equipment over 16 cu. y yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-616
COUNTY: ROCK ISLAND
DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-336 dated August 13, 1971, 36 FR, 15188
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

81- Illinois B 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.25	.25	.25		.10	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	7.78	.35			.02	
Carpenters (Building)	7.08	.35	.30		.02	
Carpenters (Heavy & Highway)	6.76	.30	.25			
Cement masons (Building)	7.31					
Cement masons (Heavy & Highway)	7.31	.40				
Electricians	7.90	.25	1%+.35		.03	
Electricians, cable splicers	8.15	.25	1%+.35		.03	
Elevator Constructors:						
Elevator constructors	6.785	.17	.185		.005	
Helpers	4.75	.17	.185		.005	
Helpers (prob.)	50%JR					
Glaziers	6.8048	.35	.50	4%		
Ironworkers, structural, ornamental & reinforcing	8.30	.40	.375		.02	
Laborers:						
Common laborers	5.53	.20	.20			
Air, Electric, Gas, Tool operators	5.685	.20	.20			
Caisson workers	5.88	.20	.20			
Dynamite man	6.01	.20	.20			
Tunnel Miner	6.03	.20	.20			
Lathers	7.20		.20			
Lead burners	6.90	.30		c	.01	
Line construction:						
Linemen	7.49	.25	1%			
Cable splicers	7.63	.25	1%			
Groundmen - truck or tractor drivers with winch	5.37	.25	1%			
Groundmen - truck or tractor drivers without winch	5.18	.25	1%			
Groundmen (over 6 mos.)	5.18	.25	1%			
Groundmen (less than 6 mos.)	3.96	.25	1%			
Marble setters	7.80					
Marble setters' helpers	3.75					
Millwrights	6.77	4%	4%		2%	
Painters:						
Brush & roller	6.67	.25	.30		.08	
Spray	6.92	.25	.30		.08	
Structrual steel	6.92	.25	.30		.08	
Piledrivermen	7.33	.35	.30		.02	
Plasterers	5.20				.01	
Plumbers & Steamfitters	7.56	.31	.55		.11	

AP-616 P. 2

81-Illinois B 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers - Slate, tile & waterproof	8.40		.20			
Sheet metal workers	7.33	.17			.01	
Soft floor layers	7.08	.35	.30		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	7.80					
Terrazzo workers' helpers	3.75					
Terrazzo workers' base machine operator	3.95					
Tile setters	7.80					
Tile setters' helpers	3.75					
Welders - receive rate prescribed for craft performing to which welding is incidental.						

81-Illinois 2 of 2

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. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

AP-616 P. 3

ILLINOIS-2-LABORERS S&W

HEAVY, SEWER & WATER MAIN CONST.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Common Laborer, carpenter tender, rod and chain man, flagman, wire mesh	$5.90	.20	.20		.035	
Laying and jointing of telephone conduit, barco and jackhammer op., mechanical tamper and air spade, wagon and hand drill, vibrator op., and operator on power tools used under the jurisdiction of laborers, cement dumper, puddler, form setter helper, pipe setter on laterals, drain tiles, culvert pipe, and storm sewer connections to catch basins, manholes or main line, power & hand saw when clearing timber, center strip, reinforcing concrete (excepting wire mesh), concrete saw, mortar mixer, prime mover, or any mechanical device taking the place of concrete buggy or wheelbarrow, sand point setter, asphalt kettleman, mastic asphalt mixer, or other preparations used on joints, sheeting hammer drivers, 2 men. laborer in ditch or tunnel on sewer & water main and telephone conduit	6.10	.20	.20		.035	
Back-up man or joint man, with pipelayer	6.10	.20	.20		.035	
String or wire line (1 man), head form setter, asphalt raker	6.40	.20	.20		.035	
Dynamite man	6.40	.20	.20		.035	
Tunnel miner or pipelayer on sewer and water main	6.40	.20	.20		.035	

AP-616 P. 4

BUILDING CONSTRUCTION

ILL 15 PEO 1 - H 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
All hoists or steel erecting equipment used to hoist or erect	$8.40	.30	.50		.08	
CLASS II						
On crane, shovel, clamshell dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge craneman and operator dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine (over 20 H.P.), building hoist (two drums), hot paint wrapping machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat, concrete paver, seaman trav-l-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit, hydraulic cranes, mine hoists	7.98	.30	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or Haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, enloader (other than mentioned above), forklift, elevating grader, group equipment greaser, LeTourneapull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), Fuller Kenyon cement pump or similar machines automatic cement and gravel batch plants (one stop set-up), seaman pulvi-mixer or similar machines, blastholer self-propelled						

ILL. 15 PBO 1 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
rotary drill or similar machines, work boat, combination concrete finishing machine and float, self-propelled sheep foot roller or compactor (used in conjunction with a grading spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine, slusher	$7.81	.30	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu.ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float tractor without power attachment, dope pot (agitating motor), dope chop machine, distributor (back end), flexaplane or similar machine fireman, hydro-hammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, gypsum pump	6.92	.30	.50		.08	
CLASS V						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bag), power batching machine (cement auger or conveyor), boiler (engineer or fireman), water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine	6.51	.30	.50		.08	
CLASS VI						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat	6.00	.30	.50		.08	

HEAVY CONSTRUCTION & DREDGING ON THE MISSISSIPPI RIVER

Illinois - 16 PBO-2-3 1 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.40	.30	.50		.08	
CLASS II						
Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op., dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman trav-L-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit hydraulic cranes.	7.98	.30	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneaupull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one						

Illinois - 16 PED-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
stop set-up), Seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading sp spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine.	$7.81	.30	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydro-hammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, conveyor.	6.92	.30	.50		.08	
CLASS V						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	5.90	.30	.50		.08	
CLASS VI						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or end-loaders), self-propelled curing machine.	6.50	.30	.50		.08	

ILLINOIS 4-TD-1-2-3-S 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
TRUCK DRIVERS-Building, Heavy Construction:						
GROUP I						
Drivers on 4-wheel trucks, dumpcrete, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.35	.35	a			
GROUP II						
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batches	6.55	.35	a			
GROUP III						
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors	6.75	.35	a			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd):						
GROUP IV						
Drivers on heavy equipment over 16 cu. y yds. or 24 tons, such as Koehring or similar dumpsters; track trucks; Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributers, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a			

FOOTNOTES:

a. Employer contributes $10.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: AP-617
COUNTY: MADISON
DATE: DATE OF PUBLICATION
Supersedes Decision No. AP-5 dated August 4, 1972, 37 FR, 15802
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

60 - Illinois A 1 of 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Asbestos workers	$8.53	.20	.17			
Boilermakers	8.35	.40	.65		.01	
Boilermakers' helpers	8.10	.40	.65		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	7.95		.50	1.00		
Alton, Wood River & Vicinity	9.00	.30	.50			
Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters (Building, Heavy)	8.335	.45	.30			
Cement masons:						
Building	8.525	.25	.25			
Heavy	8.525	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.96	.20	1%		.2%	
Remainder of County	8.46	3½%	1% + .25	.51	.25%	
Elevator Constructors:						
Elevator constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR	.105	.125	½% + a&b	.005	
Probationary helpers	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.50	.40	.45			
Laborers:						
Alton: (Building & heavy)						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging gunnite machine & nozzle operator	7.55	.25	.30		.035	
Sandblasting, rip/rapping work	7.55	.25	.30		.035	
Wood River: Building & Heavy						
Common laborer	7.30	.25	.30		.035	
Laying sewer & all sewer work	7.40	.25	.30		.035	
Well digging, machine & nozzle opr. on gunnite	7.55	.20	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell: (Bldg. & Hvy.						
Common laborers	7.20	.25	.35		.035	
Oxygen lanching	7.75	.25	.35		.035	
Cutting, burning & welding	7.525	.25	.35		.035	
Plasterers' & bricklasons tender	7.75	.25	.35		.035	
Dynamite & powdermen	8.775	.25	.35		.035	
Dynamite & powdermen helpers	7.775	.25	.35		.035	

AP-617 P. 2

60 - Illinois 2 of 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Collinsville - (Bldg. & Heavy)						
Burning & cutting w/torch (2 men)	$7.65		.20		.035	
Raking & luting asphalt	7.40		.20		.035	
Dropping & wrapping of pipe	7.40		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe	7.80		.20		.035	
Power saw operators	7.80		.20		.035	
Any work performed in/or on all cased wells	7.80		.20		.035	
Mason tenders	8.15		.20		.035	
Plasterers tenders	8.15		.20		.035	
Dynamite men	8.95		.20		.035	
Dynamite men helpers	8.20		.20		.035	
Common laborers	7.65		.20		.035	
Edwardsville: (Building & Heavy)						
Common laborer	7.85				.035	
Men working on sewer work from building to main sewer	7.95				.035	
Men working in main sewer ditch	8.10				.035	
Plaster & mason tender and related work	8.35				.035	
Dynamite & powder men	9.375				.035	
Dynamite & powder men helpers	8.375				.035	
Glen Carbon: (Building & Heavy)						
Common laborer	7.65		.20		.035	
Work in sewer ditch	7.90		.20		.035	
Handling creosoted materials	7.90		.20		.035	
Cutting torch	7.90		.20		.035	
Mason tender & related work	8.15		.20		.035	
Plaster tender & related work	8.15		.20		.035	
Dynamite men	9.175		.20		.035	
Dynamite men helpers	8.175		.20		.035	
Highland: (Building Construction)						
Common laborers	7.50		.20		.035	
Work bottom of sewer	7.75		.20		.035	
Mason & plasterers tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers - (Cont'd)						
Livingston: (Building)						
Common laborers	7.50		.20		.035	
Work on bottom of sewer	7.75		.20		.035	
Mason tender, plasterer tender	8.00		.20		.035	
Marine: (Building)						
Common laborer	7.30		.20		.035	
Work in sewer trenches (final grading)	7.55		.20		.035	
Laying & caulking sewer pipe	7.55		.20		.035	
Mason tender, plaster tender	7.80		.20		.035	
Troy: (Building & Heavy)						
Common laborer	7.50		.20		.035	
Cutting or burning torch	7.75		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterer tenders	8.00		.20		.035	
St. Jacob: (Building)						
Common laborers	7.50		.20		.035	
Work in sewer trenches (final grading)	7.75		.20		.035	
Laying & caulking sewer pipe	7.75		.20		.035	
Mason tenders, plasterers tenders	8.00		.20		.035	
Lathers	5.175	.15		.45		
Lead burners	6.90	.30		c	.01	
Line Construction:						
Alton & Vicinity						
Linemen	7.96	.20	1%		.2%	
Groundmen & groundmen truck driver	6.96	.20	1%		.2%	
Groundmen truck driver w/winch	7.16	.20	1%		.2%	
Remainder of County						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operator	6.92	3½%	1%		.25%	
Groundmen truck driver with winch	5.63	3½%	1%		.25%	
Groundmen truck driver without winch	5.63	3½%	1%		.25%	
Pick ups or jeeps	5.25	3½%	1%		.25%	
Groundmen	5.21	3½%	1%		.25%	
Marble setters:						
Alton, Wood River, & Vicinity	9.00	.30	.50			
Remainder of County	7.94	.17	.45			
Millwrights	8.335	.45	.30			
Piledrivermen	8.335	.45	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	9.31	6%	6%			
Southern half of County	8.00	.32	.40	.40		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.98	.20	.25	6%	.01	
Soft floor layers	8.335	.45	.30			
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.65					
Terrazzo workers helpers:						
Helpers & floor machine operators	4.60					
Base machine operators	4.90					
Tile setters:						
Alton, Wood River & Vicinity	9.00	.30	.50			
Remainder of County	5.91	.175	.45			
Tile setters helpers	5.43	.175		e		
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.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

AP-617 P. 5

Illinois-24-LAB-2 E

LABORERS HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Clinton Co.: Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinsville, Girard & Palmyra & vic.						
Common laborers	$7.20				.035	
All brick & plaster masons tenders	7.70				.035	
Workmen cutting & burning w/s torch	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.45				.035	
Dynamite men	8.80				.035	
Bond Co.; Calhoun Co.; Clinton Co.: New Baden & vic.; Greene Co.; Macoupin Co.; Gillespie, Mt. Olive, Shipman & Staunton & vicinities; Madison Co.; Highland, Livingston, Marine & St. Jacobs & vicinities; Randolph Co.; St. Clair Co.: Lenzberg & vic. & Washington Co:						
Common laborers	7.00		.20		.035	
All brick & Plaster masons tenders	7.50		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).	7.25		.20		.035	
Dynamite men	8.60		.20		.035	

AP-617 P. 6

Illinois-82-PAINTERS-1 B

PAINTERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Commercial						
Brush	$7.65	.25	.15			
Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	7.90	.25	.15			
Mechanical tools & devices such as power sanders, buffers, needle guns taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.65	.25	.15			
Spraying air-less with 24" fan or over	8.65	.25	.15			
Industrial						
Brush	7.90	.25	.15			
Roller & cut in men	8.40	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.90	.25	.15			
Spraying air-less with fan 24" or over	9.30	.25	.15			
Hazardous work (bridges, TV & Radio towers, high line towers, water towers, smoke stacks & grain elevators)						
Brush	8.15	.25	.15			
Roller or cut in men	8.65	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	9.15	.25	.15			
Spraying air-less with fan 24" or over	9.95	.25	.15			

BUILDING & HEAVY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant op., concrete plant oprs., Ditching Mach. or Backfillers (requiring Oilers), Dredges, asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes roller, Steam or gas, concrete Breakers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyors (two), air compressors (two), water pumps regardless of size (two) Welding machines (two), Siphons or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or pushcats, scoops or Tournapulls, bulldozers, Endloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Form grading machines, Finishing machines, power subgrader or Ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (one)						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS (CONT'D)						
distributor operators on trucks, Siphons or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

AP-617 P. 9

ILLINOIS-2-TD-1-2-3 S 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
TRUCK DRIVERS: (BLDG. & HEAVY CONST.)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 3 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

AP-617 P. 10

ILLINOIS-2-TD-1-2-3 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: PEORIA
DECISION NUMBER: AP-621 DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-8628, dated June 30, 1972, in 37 FR, 13040
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) Heavy Construction and Dredging.

72- Illinois T 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.50	.475		.05	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	7.875	.35	.30		.05	
Carpenters (Chillicothe & Vicinity): (Building & Heavy)						
Carpenters, resilient floor layers	4.55					
Millwrights & Piledrivermen	4.55					
Carpenters (Remainder of County): (Building & Heavy)						
Carpenters & soft floor layers	7.66	.30	.30		.02	
Millwrights & Piledrivermen	7.96	.30	.30		.02	
Cement masons (Bldg. & Hvy)	7.545	.35	.30		.05	
Cable plicers	8.155	.25	.20		1%	
Electricians	7.905	.25	.20		1%	
Elevator Constructors:						
Elevator constructors	7.37	.195	.20	2%+a&b	.005	
Helpers -	5.16	.195	.20	2%+a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	7.425					
Ironworkers, structural, ornamental & reinforcing	7.70	.40	.375			
Lathers	7.77	.25	.20		.01	
Line Construction:						
Linemen	7.95	.25	1%		.25%	
Groundmen equip. op., Class I (All crawler type equipment larger than D-4)	7.43	.25	1%		.25%	
Groundmen truck driver w/winch (digger, 5th wheel type trucks & crawler type equip., 4-D and samiler)	5.53	.25	1%		.25%	
Groundmen truck driver wo/w	5.28	.25	1%		.25%	
Groundmen Class "A"	5.03	.25	1%		.25%	
Lead burners	6.90	.30		c	.01	
Marble setters	7.65	.35	.30		.02	
Marble setters' helpers	6.975	.225				
Painters:						
Brush	7.20	.25	.30			
Sandblasting & structrual steel	7.60	.25	.30			
Spray & stripping machines	7.60	.25	.30			

72 Illinois T 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pipefitters & Plumbers	7.925	.24	.60		.09	
Plasterers	7.825	.35	.30		.01	
Roofers	7.495	.20	.25			
Sheet metal workers	7.50	.38	.35		.04	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	7.65	.35	.30			
Terrazzo workers' helpers	6.975	.225	.30			
Floor machine operators	7.055	.225				
Base machine operators	7.305	.225				
Tile setters	7.65	.35	.30			
Tile setters' helpers	6.975	.225				
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. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for empooyee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve providing employee has worked 45 full days durning the 120 calendar days prior to the holiday, and the revular scheduled work days immediately preceding and following theholiday.

AP-621 P. 3

Illinois 28 LAB-1 F

LABORERS- BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers tenders; Carpenters tenders; Cement mason tender; Concrete from dismantler; Stone, Tile & Derrick men; Tool crib men; Window washers; Wrecking; Dismantling old buildings, Wall men & House movers, Common laborers; curing concrete.	$6.75	.30	.35		.035	
Cement men & sack shakers, Concrete saw, Drill operator, Jackhammer Kettlemen & Carriers, men handling hot stuff, signalling & spotting of buckets on rig or rig men Paving breaker, Plasterers tender, Air tamper, Cahin saw	6.875	.30	.35		.035	
Gunnite Pump Men, Sandblasting pump men, Tile layers or lateral sewer, unloading & handling of creosote materials	7.00	.30	.35		.035	
Power wheel barrow or buggies	6.925	.30	.35		.035	
Cutting & Acetylene Torch, Gunnite nozzle men, Sandblasting nozzle men, Wood Block Setters	7.125	.30	.35		.035	
Concrete form Dismantler in composite crew with carpenters; compactor rammer type; setting up & using Laser Beam equipment	6.875	.30	.35		.035	
Setting up & using concrete burning bars; underpinning & shoring of exisitng buildings	7.00	.30	.35		.035	

AP-621 P. 4

ILLINOIS-20-LABORERS K 1 of 2

ROADS, DRIVEWAYS & ALLEY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribmen, water carrier, expansion joint assmeblers, all other excavating work & labor suring all concrete by concrete by hand method; drive stakes; string lines for all machinery; water proofing w/cold stuff	$6.765	.30	.35		.035	
Stripping concrete forms with composite crew of carpenters & laborers	6.89	.30	.35		.035	
All power operated tool, Asphalt Ketolmen & carriers, cement men & sack shakers, chipping hammer men, Jackhammer & drill operator (open) Powder man helper, Power form tampers, Power concrete saw, Rig man, Signalling & spotting of rigs & equipment waterproofing w/hot dtuff	6.89	.30	.35		.035	
Power Wheelbarrow or buggies	7.04	.30	.35		.035	
Gunntie pump man, Puddlers, Vibrator man, wire fabric placer, sandblasting pump man, strike off, unloading handling & carrying of any creosoted material conrete burning bars	7.015	.30	.35		.035	
Asphalt raker, Bricksetters, Cutting torch, seeting line to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man Rip rapping, cutting torchman (electric & acetylene)	7.14	.30	.35		.035	
Tunnel & Subways (Free Air): Ton laborer	6.765	.30	.35		.035	
Bell men (top & bottom), all laborers in tunnel	6.89	.30	.35		.035	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Tunnel & Subways (Free Air): Cont'd						
Drill & Powder men, Gunnite operator (tunnel), operator cement placement	$7.14	.30	.35		.035	
Muckers	7.14	.30	.35		.035	
Tunnel Miners	7.24	.30	.35		.035	
Caisson (Free Air):						
Caisson top man helper	6.765	.30	.35		.035	
Caisson top man	6.89	.30	.35		.035	
Caisson miners & muckers	7.24	.30	.35		.035	
Open Sewer or Trenches:						
Top man & all other excavating	6.765	.30	.35		.035	
Bottom man who does immediate grading, batter board man, laser beam equip.	6.89	.30	.35		.035	
Tile layer & Caulker	6.89	.30	.35		.035	
Cribbing, Jackman & Hydraulic Jacman in trench-	7.24	.30	.35		.035	
Levee & Heavy Grading:						
All other labor	6.765	.30	.35		.035	
Spotters, Dump man, cut man	6.89	.30	.35		.035	
Pipe liner:						
All other laborers, Rollers, Scalers and Spotters	6.765	.30	.35		.035	
Spacers	7.04	.30	.35		.035	
Signal men on rigs, rig men, kettlemen & carriers, men handling hotstuff, men who do immediate grading for laying of pipe or digging bell holes	6.89	.30	.35		.035	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
BUILDING CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Cranes, escalated rate on crane, derricks, booms, $.01 per hr., per foot, after 80-foot of boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators & plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scooper, draglines, backhoe, hoptocs-crane-type that require oilers, derrick boats, pile drivers & skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating & similar types tower cranes (crawler mobile) & stationary, crane-type backfiller, drott yumbo & similar types considered as cranes, caisson rigs (require oilers)-dozer, tournadozer, work boats, ross carrier & helicopter	$7.80	.35	.35		.05	
GROUP II						
Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps & gypsum bulker & pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (and similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ ditching machine or other attachments, tune-luger, rock crushers, automatic cement & gravel batching plants, mobile drills (soil testing & similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries, & similar type), 1 & 2 drum hoists (buck hoists & similar types freight & passenger elevators Chicago boom, boring machine & pipe jarking, machine, hydro boom, starting engineer on pipeline, C.M.I. & similar types (require oiler) straw blower, hydro seeder & F.W.D. & similar types	7.60	.35	.35		.05	

AP-621 P. 7

ILL. 6 PED 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP III						
Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bag to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pug mill (without pump), screed man on laydown machine, firemen & spray machine on paving	$7.325	.35	.35		.05	
GROUP IV						
Air compressor, all air & steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, & truck type hoptoe oilers	7.05	.35	.35		.05	
GROUP V						
Herman Nelson heater, Dravo, Warner, silent glo, & similar types, one engineer will operate 1-5 & after 5, two operators will be required, self- propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons & under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer (3) bag & under (standard capacity), bulk cement plant, crawler crane & skid rig oilers	6.94	.35	.35		.05	

AP-621 P. 8

Ill-20-PED-2-3 1 1 of 2

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
GROUP I						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper, blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

AP-621 P. 9

Ill.-20-FED-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydr boom, starting engineer on pipe-line, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

AP-621 P. 10

Ill. -20-FED-2-3- 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

ILLINOIS-2-TD-1-2-3 S 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS: (BLDG., HEAVY)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

ILLINOIS-2-TD-1-2-3 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP 1						
Operators on hydraulic dipper or clamshell dredges, Engineers & Repairmen, Operators on work boats	$7.80	.35	.35		.05	
GROUP 2						
Power Winches 1-2-3 Drum	7.60	.35	.35		.05	
GROUP 3						
Security Engineer	7.275	.35	.35		.05	
GROUP 4						
Cranemen on dipper dredges, Operators on launches or power boats	7.25	.35	.35		.05	
GROUP 5						
Fireman & Oilers	6.94	.35	.35		.05	

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Caddo & Bossier
DECISION NO.: AP-397 DATE: Date of Publication
Supersedes Decision No. AP-311, dated August 18, 1972, in 37 FR 16776.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

12 - LA - 1,2 k (1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.35		.25		.03	
Piledrivers	6.60		.25		.03	
Millwrights	6.85		.25		.03	
CEMENT MASONS:						
Cement masons	5.85					
Troweling machine operators	6.10					
ELECTRICIANS:						
Cable splicers	7.50	.35	1%		1%	
Electricians	7.00	.35	1%		1%	
ELEVATOR CONSTRUCTORS	5.65	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental	6.70	.30	.35		.04	
Reinforcing	6.70	.30	.35		.04	
Sheeters	6.70	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.675				.02	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paperhangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.00					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

AP-397 P. 2

12 - LA - 1,2 k (2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.15		.10		.02	
Helpers	3.05		.10		.02	
Kettleman	3.42		.10		.02	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	7.30	.25	.40		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsey dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Pile-drivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor-vators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	$6.80	.25	.15			
LIGHT DUTY OPERATORS						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	5.83	.25	.15			
Scaleman	5.60	.25	.15			
Oiler-Driver	5.56	.25	.15			
Mechanic Helper	5.32	.25	.15			
Oiler	5.10	.25	.15			

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Caddo & Bossier
DECISION NO.: AP-398 DATE: Date of Publication
Supersedes Decision No. AP-318, dated August 25, 1972, in 37 FR 17306.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

12 - LA - 1,2 k (1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.35		.25		.03	
Piledrivers	6.60		.25		.03	
Millwrights	6.85		.25		.03	
CEMENT MASONS:						
Cement masons	5.85					
Troweling machine operators	6.10					
ELECTRICIANS:						
Cable splicers	7.50	.35	1%		1%	
Electricians	7.00	.35	1%		1%	
ELEVATOR CONSTRUCTORS	5.65	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental	6.70	.30	.35		.04	
Reinforcing	6.70	.30	.35		.04	
Sheeters	6.70	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.675				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paperhangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.00					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

12 - LA - 1,2 k (2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.15		.10		.02	
Helpers	3.05		.10		.02	
Kettleman	3.42		.10		.02	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	7.30	.25	.40		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsy dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lackawanna
DECISION NO.: AP-462 DATE: Date of Publication
Supersedes Decision No. AM-1,855, dated August 20, 1971, in 36 FR 16281.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

35-PA-1-S 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.80	.30	.30	1.00		
Boilermakers	8.50	.40	.90		.01	
Bricklayers, stone masons & tile setters (Scranton)	7.575	.35	.50		.01	
Bricklayers, plasterers, stone & cement masons & tile setters (Carbondale)	6.60					
Carpenters	7.05	.335	.35		.05	
Cement masons (Scranton)	7.50	.20	.40	.125		
Electricians	6.675	.275	1%+.50		.10	
Elevator constructors	7.66	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers	5.36	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.83					
Glaziers	7.96	.25	.20			
Ironworkers, structural & ornamental	9.15	d			.05	
Ironworkers, reinforcing	8.95	d			.05	
Laborers:						
Laborers (0 miles to court house Scranton)	5.60	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to 2 bags)	5.75	.23	.50			
Scaffold builders	5.75	.23	.50			
Pipelayers (concrete & clay)	5.75	.23	.50			
Plasterers tenders	5.75	.23	.50			
Asphalt workers	5.75	.23	.50			
Laborers:						
Laborers (over 13 miles from Scranton)	6.00	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to2 bags)	6.15	.23	.50			
Scaffold builders	6.15	.23	.50			
Pipelayers (concrete and clay)	6.15	.23	.50			
Plasterers tenders	6.15	.23	.50			
Asphalt workers	6.15	.23	.50			
Lathers	7.05		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor op.	6.94	.15	1%			
Groundman-truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
Tree trimmers:						
Tree trimmer	4.25	.10	1%			
Brush cutter	3.35	.10	1%			
Groundman-truck driver	4.04	.10	1%			

35-PA-1-S 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Marble setters	5.50					
Millwrights	7.63	.335	.35		.05	
Painters (Scranton):						
Brush	6.35	.35				
Spray	7.85	.35				
Steel	7.35	.35				
Painters (Carbondale):						
Brush	3.00					
Swing	3.25					
Steel	3.25					
Rollers	4.00					
Piledrivermen	7.60	.92	.25		.07	
Plasterers (Scranton)	7.65	.20	.40	.125		
Plumbers	7.74	.23	.40		.06	
Roofers:						
Roofers	6.81	.42	.27			
Helpers	6.585	.42	.27			
Kettlemen	6.81	.42	.27			
Precast slabs	7.00	.42	.27			
Sheet metal workers	6.30	.15	.10			
Soft floor layers	7.05	.335	.35		.05	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.64	.23	.50		.06	
Terazzo workers	5.50					
Terazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.57					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	5.64					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.09					

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.

b. Paid holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Employer contributes $1.50 per hour to a Health and Welfare and Pension Fund.

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

PA-22-PEO-1-2 C

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-463
COUNTY: Northampton
DATE: Date of Publication
Supersedes Decision No. AM-1,861, dated August 20, 1971, in 36 FR 16310.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.83	.30	.30		.01	
Boilermakers	8.50	.40	.90		.01	
Bricklayers & Stonemasons - Bethlehem	7.40	.30	.35			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stone-Stonemasons & Plasterers (Bangor	5.70					
Carpenters	8.33	.22	.21			
Cement masons, Bethlehem	7.00	.30	.35			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	8.575	.20	1%		.01	
Remainder of County	8.63	4%	1%+.05		½ of 1%	
Glaziers	6.82	.25	.10		.01	
Ironworkers, structural	7.30	.235	.665			
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, Building:						
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	5.55	.10	.10			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	5.60	.10	.10			
Barko Tamper Operator	5.80	.10	.10			
Lathers	7.69	.40	.25			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.15	1%		.5%	
Cable splicer	9.00	.15	1%		.5%	
Groundman	5.40	.15	1%		.5%	
Winch truck operator	6.30	.15	1%		.5%	
Millwrights	8.83	.22	.21			
Painters (Bethlehem):						
Brush	6.50	.22	.20			
Structural Steel	7.25	.22	.20			
Spray	7.00	.22	.20			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers, Bethlehem	7.13	.30	.35			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.95	.30	.50			
Soft floor layers	4.45	.07	.06			
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.57					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	5.64					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.09					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of 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. Six paid holidays: A through F.

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

PA-22-FED-1-2 C

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS/PAYMENTS				
		H & W	Pensions	Vacation	Appr. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-464
COUNTIES: Butler, Cambria, Fayette and Somerset
DATE: Date of Publication
Supersedes Decision No. AM-5,973, dated December 17, 1971, in 36 FR 24032.
DESCRIPTION OF WORK: Heavy and Highway Construction.

26-IAP-2-3- J 1

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments				
		H.&W.	Pension	Vacation	App. Tr.	Oth
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impector wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Bavey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-autocatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and beaker setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

AP-464 P. 2 26-IAP-2-3- J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H.&W.	Pension	Vacation	App. Tr.	Oth
Laborers (cont'd):						
Signal man, Marker	$ 5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines)						
Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jacbot)	6.24	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.11	6%	5%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

AP-464 P. 3 PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Heid) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-464 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when boisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

PA-2-TD-2-3-F 1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter

DECISION NO.: AP-465

DATE: Date of Publication

Supersedes Decision No. AM-5,967, dated December 17, 1971, in 36 FR 24027.

DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Oth
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batchman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pile drivers or pullers (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or sleiler, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Oth
Laborers (cont'd):						
Signal man, Checker	$5.64	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.64	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road form-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.93	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.05	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.36	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.64	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.05	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	6.76	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulater, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

AP-465 P. 5

PA-2-TD-2-3-F 1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon; pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

STATE: Pennsylvania COUNTIES: Centre, Clearfield, Jefferson and Green
DECISION NO.: AP-466 DATE: Date of Publication
Supersedes Decision No. AM-5,969, dated January 7, 1972, in 37 FR 244.
DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H.&W.	Pensions	Vacation	Apr. Tr.	Other
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batchman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line run), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diacond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pile drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H.&W.	Pensions	Vacation	Apr. Tr.	Other
Laborers (cont'd):						
Signal man, Thacker	$5.64	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.64	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.93	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.05	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.36	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.64	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.05	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	6.76	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

AP-466 P. 3 PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-466 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

AF-466 P. 5

PA-2-TD-2-3-F

1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon, pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Beaver
DECISION NO.: AP-467 DATE: Date of Publication
Supersedes Decision No. AM-5,972, dated December 17, 1971, in 36 FR 24031.
DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-4-LAB-2-3-J

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.76	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (cont'd):						
Signal man, Whacker	$5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines)						
Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.46	6%	3%			
Cement masons	7.05	.423	.705			
Piledrivermen	7.96	5%	6%			

AP-467 P. 3 PA-2-PEO-2-3- G (1-2)

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mocking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-467 P. 4 PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mocking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

AP-467 P. 5

PA-2-TD-2-3-F 1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler

DECISION NO.: AP-388

DATE: Date of Publication

Supersedes Decision No. AP-358, dated November 10, 1972, in 37 FR 24007.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

(1 - 4)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.30	.25		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS & STONEMASONS	6.75					
CARPENTERS:						
Carpenters:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher and Wheeler Counties	6.65					
Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties	6.40					
Millwrights:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher and Wheeler Counties	6.90					
Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties	6.65					
CEMENT MASONS:						
Cement masons	5.70					
Machine operators	5.95					
ELECTRICIANS:						
Electricians	6.90	.25	1%		1/2%	
Cable splicers	7.59	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.85					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.55	.40	.40		.05	

AP-388 P. 2

(2 - 4)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Unskilled:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	$3.00					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.50					
Air tool operator (jackhammer, vibrator):						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Mason tenders:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Mortar mixers:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
Pipelayers (non-metallic):						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall and Swisher Counties	3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
Plasterers' tenders:						
Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall, and Swisher Counties	$3.15					
Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and Wheeler Counties	3.65					
LATHERS	5.275					
MARBLE MASONS (EXTERIOR)	5.50					
MARBLE MASONS (INTERIOR)	4.60					
PAINTERS:						
Brush & roller; paperhanger; perfa-tapers	5.25					
Structural steel painters; swinging stage or chair below 50 ft.	5.375					
Spray painters & sandblasters	5.90					
Perfa-tape, machine operator	5.50					
PLASTERERS	5.925				.01	
PLUMBERS & PIPEFITTERS:						
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	6.20	.25	.30	.35		
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	6.45	.25	.30	.35		
ZONE 3 - shall apply to all areas not within Zones 1 or 2	6.70	.25	.30	.35		
SHEET METAL WORKERS	7.52					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TERRAZZO WORKERS	4.60					
TILE SETTERS	4.60					
TRUCK DRIVERS:						
1/2 ton to 3 tons	2.88					
3 to 5 tons	3.13					
5 tons and over	3.38					
Ready mix concrete to 3 yds.	2.88					
Ready mix concrete over 3 yds.	3.13					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY EQUIPMENT:						
Utility operator	$6.15	.30	.35		.05	
Blade grader, self-propelled; Clam shells; Cable ways; Cranes, power operated, all types; Derricks, power operated, all types; Draglines; Elevating graders, self-propelled; Hoist, 2 drums or more; Locomotive; Mixmobiles; Paving mixers, all types; Pile Drivers; Scrapers, Bulldozers, Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd. & over) with backhoe	6.01	.30	.35		.05	
All other equipment of similar nature coming within the heavy class, when power operated.						
LIGHT EQUIPMENT:						
Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixers, 14 cu. ft. or over; Rollers, over 10 tons; 2 pumps operated by one man; Air compressor and one tugger	5.83	.30	.35		.05	
Winch trucks	5.73	.30	.35		.05	
2 air compressors; 1 air compressor and 1 pump; Front end scoopmobile loader & payloader	5.70	.30	.35		.05	
Blade grader, towed; Elevators, building; Fork lifts; Hoists, single drum or 1 line hoisting (1 tugger); Mixers less than 14 cu. ft.; Rollers; Screening plants; Welding machines (gas or diesel) min. 2 max. 7; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler front end crane	5.59	.30	.35		.05	
Pulsometer; 1 pump; 1 air compressor; mechanic helper; Welders helpers; fireman	5.41	.30	.35		.05	
Greasers	5.22	.30	.35		.05	
Oilers	5.12	.30	.35		.05	
All other equipment of similar nature coming within the light class, when power operated						

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Hesterman	$3.20					
Asphalt Raker	3.50					
Batching Plant Scaleman	3.90					
Carpenter	3.50					
Carpenter Helper	2.75					
Concrete Finisher (Paving)	3.65					
Concrete Finisher Helper (Paving)	3.40					
Concrete Finisher (Structures)	3.80					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	3.25					
Form Builder (Structures)	4.20					
Form Builder Helper (Structures)	2.75					
Form Liner (Paving and Curb)	3.50					
Form Setter (Structures)	4.35					
Form Setter Helper (Structures)	3.10					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	2.85					
Mechanic	3.75					
Mechanic Helper	3.25					
Oiler	3.35					
Serviceman	3.10					
Painter (Structures)	3.00					
Pipelayer	2.70					
Pipelayer Helper	2.40					
Powderman	3.50					
Powderman Helper	2.70					
Reinforcing Steel Setter (Paving)	3.20					
Reinforcing Steel Setter (Structures)	2.85					
Reinforcing Steel Setter Helper	2.35					
Sign Erector	3.10					
Sign Erector Helper	2.50					
Spreader Box Man	3.15					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	3.30					
Asphalt Paving Machine	4.20					
Broom or Sweeper Operator	2.55					
Bulldozer, 150 H.P. and Less	3.50					
Bulldozer, over 150 H.P.	3.75					

AP-388 P. 7

19 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Concrete Paving Finishing Machine	$3.75					
Concrete Paving Spreader	3.75					
Paving Sub Grader	4.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.35					
Crusher or Screening Plant Operator	3.75					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (2½ C.Y. and Less)	3.30					
Front End Loader (Over 2½ C.Y.)	3.85					
Motor Grader Operator, Fine Grade	4.35					
Motor Grader Operator	3.75					
Roller, Steel Wheel (Plant-Mix Pavements)	3.30					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00					
Roller, Pneumatic (Self-Propelled)	2.55					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.90					
Tractor (Crawler Type) Over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.55					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	3.75					
Trenching Machine, Light	3.10					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.90					
Tandem Axle or Semitrailer	2.25					
Weighman (Truck Scales)	2.25					
Welder	4.35					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$6.90	.25	1%			
Groundman, more than 1 year experience	4.63	.25	1%			
Groundman, less than 1 year experience	4.04	.25	1%			
Operator-hole digger, line truck	5.38	.25	1%			
Flat bed truck driver	4.04	.25	1%			

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AP-389
COUNTY: Galveston
DATE: Date of Publication
Supersedes Decision No. AP-370, dated December 15, 1972, in 37 FR 26786.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

33 - Texas - 1 r (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.30	.175	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37			
ELECTRICIANS	7.41	.28	2%+.26		.03	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.875	.25	.15		.02	
Pipelayers (concrete & clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operators	4.875	.25	.15		.02	
Lather tenders	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well drillers' helpers	4.825	.25	.15		.02	
Blaster, powderman	5.125	.25	.15		.02	
Plasterer tender & hod carrier	4.975	.25	.15		.02	
MARBLE MASONS	6.50					
PAINTERS:						
Painters	5.675	.55	.45	.665	.02	
Painters on swinging stage work or using material injurious to the skin	5.925	.55	.45	.665	.02	
PIPEFITTERS:						
East of the Trinity River:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
West of the Trinity River	7.425	.375	.55		.045	

33 - Texas - 1 r (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.825	.27	.30		.05	
PLUMBERS:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettleman	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	5.72		.125			
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	7.30	.175	.30		.03	
TERRAZZO WORKERS	6.50					
TILE SETTERS	6.50					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractor; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; C-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-389 P. 3

14 - Texas - PEO - 1 L (1 - 2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-Propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-Propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

AP-389 P. 4

14 - Texas - PEO - 1 L (2 - 2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds, or less; Wagon Drill operator; Conveyor; Generator; Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.66	.30	.30		.01	

4 - Texas - LC 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.87	.28	1%		1/2%	

AP-389 P. 5

14 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Heaterman	2.85					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	3.10					
Concrete Finisher (Structures)	3.65					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.70					
Mechanic	3.90					
Mechanic Helper	3.50					
Oiler	3.05					
Serviceman	3.20					
Painter (Structures)	3.85					
Painter Helper (Structures)	2.75					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.00					
Reinforcing Steel Setter (Paving)	3.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.70					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.25					

AP-389 P. 6

14 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$3.25					
Asphalt Paving Machine	3.50					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.50					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	4.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.40					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Foundation Drill Operator (Crawler Mounted)	4.25					
Foundation Drill Operator (Truck Mounted)	3.80					
Front End Loader (2½ C.Y. and Less)	3.25					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.50					
Tractor (Crawler Type) over 150 H.P.	3.15					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	2.75					
Trenching Machine, Light	3.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.35					
Winch	2.75					
Welder	4.60					
Welder Helper	3.15					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: AP-390 DATE: Date of Publication
Supersedes Decision No. AP-345, dated September 29, 1972, in 37 FR 20494.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

12 - Texas - 1 1 (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$5.68	.35	.42			
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	5.60				.06	
CARPENTERS:						
Carpenters	5.40	.30			.02	
Millwrights	5.65	.30			.02	
Stationary radial arm power saw operator	5.525	.30			.02	
Floor layers	5.40	.30			.02	
CEMENT MASONS	4.475	.26				
ELECTRICIANS:						
Electricians	6.70	.25	1%		1/2%	
Cable splicers	6.95	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	5.41	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS(PROB.)	50%JR					
GLAZIERS	4.67	.24				
IRONWORKERS:						
Ironworkers (El Paso County)	6.00	.25	.40		.05	
Ironworkers (all areas outside El Paso County)	7.00	.25	.40		.05	
LABORERS:						
Powderman or blasterer	4.08	.26	.10			
Outside wagon drill; wagon drill tenders; miner	3.83	.26	.10			
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	3.58	.26	.10			
Pipelayer, main sewer and drainage	3.455	.26	.10			
Jackhammer operator, asphalt raker; kettlemen; asphalt or pot man	3.33	.26	.10			
Common	3.18	.26	.10			
LATHERS	5.69	.20			.01	
MARBLE MASONS	5.60				.06	
PAINTERS:						
Brush, paperhangers, chipping and hand tools used for cleaning rollers	4.75	.24				
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.14	.24				

AP-390 P. 2

12 - Texas - 1 1 (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Spray, sandblasting, waterblasting, swing stage	$5.415	.24				
Tapers, bedders, rollers 9" in width	4.75	.24				
Ames tools	4.96	.24				
Striping machine	5.41	.24				
All commercial buildings, water tanks, radio towers and smoke stacks:						
Up to 100 feet	6.03	.24				
75 to 100 feet	6.28	.24				
100 to 200 feet	6.53	.24				
200 to 300 feet	6.78	.24				
300 to 400 feet	7.03	.24				
PILEDRIVERMEN	4.60					
PLASTERERS	5.63	.26			.01	
PLUMBERS	6.50				.01	
SHEET METAL WORKERS	7.10	.29	.05		.005	
SOFT FLOOR LAYERS	4.56	.24				
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	5.60				.06	
STEAMFITTERS	6.50				.01	
TERRAZZO WORKERS	5.60				.06	
TILE SETTERS	5.60				.06	
TILE SETTERS' HELPERS	3.10					
TRUCK DRIVERS:						
Up to and including 2 tons	3.50	.26				
Flat bed dump trucks, mechanically	3.60	.26				
Tank truck, up to 2500 gallons	3.50	.26				
Standard dump truck, up to and including 4 cu. yds.	3.60	.26				
Dump truck, over 4 cu. yds.	3.75	.26				
Truck over 4 tons including transit mix, all semitruck, etc.	3.75	.26				
Lowboy	3.75	.26				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Fireman, Oiler; Mechanic, Grease Truck and Welder's Helper; Screedman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 h.p. without attachments	$4.46	.20	.10		.03	
Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and Concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift; Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber staker on construction job site. Grease truck operator, (Head Oiler). Motorman and Industrial Locomotive. Tractors under 35 h.p. with attachments; and farm type tractors with back, or shovel type attachments	5.04	.20	.10		.03	
Concrete mixers 1 yard and over and batch plant 1 yard and over, single drum paving machines. Crushing plants. Drilling machines, 6 inches and over. Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish	5.13	.20	.10		.03	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 h.p. and up	$5.18	.20	.10		.03	
Concrete Paving machines, double drum. Caterpanes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building hoist, 2 drum and up. Mechanic. Welder. Patrol, finish	5.26	.20	.10		.03	
Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under	5.50	.20	.10		.03	
Guy and stiff leg derrick, Piledrivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons	5.66	.20	.10		.03	
SHAFT AND TUNNEL OPERATIONS: Refrigeration, slusher, Jumbo form operators	5.13	.20	.10		.03	
Mucking machines	5.36	.20	.10		.03	
Mine Hoists	5.66	.20	.10		.03	

AP-390 P. 5

12 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.80					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Shoveler	2.65					
Batching Plant Scaleman	3.05					
Carpenter	3.25					
Concrete Finisher (Paving)	3.75					
Concrete Finisher (Structures)	2.60					
Concrete Finisher Helper (Structures)	2.00					
Concrete Rubber	1.75					
Electrician	5.00					
Electrician Helper	3.00					
Form Builder (Structures)	2.55					
Form Builder Helper (Structures)	2.25					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.15					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Manhole Builder, Brick	2.75					
Mechanic	3.00					
Mechanic Helper	2.00					
Oiler	2.50					
Serviceman	2.50					
Painter (Structures)	4.75					
Painter Helper (Structures)	3.75					
Piledriverman	2.50					
Pipelayer	2.50					
Powderman	3.30					
Powderman Helper	2.50					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structures)	2.60					
Reinforcing Steel Setter Helper	1.75					
Sign Erector	3.40					
Spreader Box Man	2.45					
Swamper	2.00					

AP-390 P. 6

12 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$2.50					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.15					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Mixer	4.10					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	3.50					
Front End Loader (2½ C.Y. and Less)	2.70					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.35					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.20					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) over 150 H.P.	2.75					
Tractor (Pneumatic) 80 H.P. and Less	1.95					
Tractor (Pneumatic) over 80 H.P.	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.85					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.25					
Water Wagon Operator	2.25					
Welder	3.00					
Welder Helper	2.50					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman - Technician	$5.90	.15	1%			
Cable splicers	6.15	.15	1%			
Equipment operators	5.90	.15	1%			
Groundman	75%JR	.15	1%			
Groundman (less than 6 months)	60%JR	.15	1%			

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: AP-391 DATE: Date of Publication
Supersedes Decision No. AP-344, dated September 29, 1972, in 37 FR 20491.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

18 - Texas - 1 L (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.26	.29	.20		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	6.95	.35			.09	
CARPENTERS:						
Carpenters	6.375	.28	.30		.02	
Millwrights	6.625	.28	.30		.02	
CEMENT MASONS	5.82	.25				
ELECTRICIANS:						
Electricians	7.50		1%		1%	
Cable splicers	7.50		1%		1%	
ELEVATOR CONSTRUCTORS	6.51	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.35					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.465	.40	.40		.12	
LABORERS:						
Laborers, unskilled	3.745	.175	.10			
Air tool operator (jackhammer, vibrator); mason tenders; pipelayers (concrete & clay)	3.895	.175	.10			
Mortar mixers; plasterers' tenders	4.07	.175	.10			
LATHERS	5.75	.125		1.00	.01	
MARBLE SETTERS	6.50					
MARBLE SETTERS' HELPERS	4.02					
PAINTERS:						
Painters, brush	5.75					
Taping & floating of sheetrock	5.75					
Paperhangers	6.00					
Spray	6.25					
Steam cleaning, sand blast & other powered equipment	6.25					
Chipper, burner, torch	6.00					
Skeleton steelwork erected	6.00					
Swinging stage, bosun chair, window jack or scaffolding (above 2nd floor) 25c per hour above all base rates						
PLASTERERS	7.05	.25			.01	
PLUMBERS	7.25		.15		.03	

AP-391 P. 2

18 - Texas - 1 L (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Roofers	$5.23				.01	
Kettlemen	5.08				.01	
SHEET METAL WORKERS	7.05	.25	.25		.05	
SOFT FLOOR LAYERS	6.25	.25	.15		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STEAMFITTERS	7.25		.15		.03	
TERRAZZO WORKERS	6.50					
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	6.50					
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
TRUCK DRIVERS WINCH	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

AP-391 P. 3

18 - Texas - FBO - 1 #

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Backfiller; Backhoe; Blade grader - self-propelled; Bull clam; Bulldozer and all types of cat tractors; Cableway; Clamshell operator; Crane-power operated, all types; Derricks-power operated, all types; Dragline; Elevating grader, self-propelled; Euclid operator; Foundation boring machine; Gradall; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist-motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mixmobile; Paving mixer-all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoop-mobile; Scraper; Shovel-power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines-6 to 12; Winch truck; Well points, including installations	$6.675		.30			
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader-towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; pump 2½ inches or larger; Pneumatic roller; Mixer-less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less	5.805		.30			
Fireman	4.83		.30			
Oiler	4.73		.30			

AP-391 P. 4

18 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.30					
Asphalt Hesterman	2.40					
Asphalt Raker	2.95					
Batching Plant Scaleman	3.10					
Carpenter	3.30					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.20					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.35					
Laborer, Common	2.00					
Laborer, Utility Man	2.15					
Mechanic	3.25					
Mechanic Helper	2.70					
Oiler	2.25					
Serviceman	2.85					
Pipelayer	2.75					
Pipelayer Helper	2.25					
Powderman	3.25					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.95					
Spreader Box Man	2.55					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	3.50					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.20					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	2.85					
Foundation Drill Operator (Truck Mounted)	4.50					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					

AP-391 P. 5

18 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.60					
Tractor (Crawler Type) over 150 H.P.	2.80					
Tractor (Pneumatic) 80 H.P. and Less	2.30					
Tractor (Pneumatic) Over 80 H.P.	2.45					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.30					
Tandem Axle or Semitrailer	2.30					
Weighman (Truck Scales)	2.00					
Welder	3.80					

13 - Texas - LC h

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Nueces
DECISION NO.: AP-392 DATE: Date of Publication
Supersedes Decision No. AP-371, dated December 22, 1972, in 37 FR 28386.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

15 - Texas - 1 m (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.555	.30	.295			
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	6.45	.15			.02	
CARPENTERS:						
Carpenters	5.70	.21	.07		.02	
Millwrights	6.33				1%	
Piledrivermen	4.50					
CEMENT MASONS	5.90	.15				
ELECTRICIANS:						
Electricians	7.15	.35	1%		1/2%	
Cable splicers	7.275	.35	1%		1/2%	
ELEVATOR CONSTRUCTORS	3.58	.175	.20	2%a&b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%a&b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.80		.20			
IRONWORKERS:						
Structural; Ornamental	5.325	.40	.30		.025	
Reinforcing	5.20	.40	.30		.025	
LABORERS:						
Common	3.50	.15				
Mason tenders, plasterers tenders, concrete & mortar mixers, pipelayers, lathers tenders, finish carpenters, slip form operators, scaffolding waterproofers, cement finishers	3.60	.15				
Paving buster, jackhammer chipping gun, air tamper, barie tamper, electric vibrator, air or gasoline driven vibrators or drills, sump pumps and any and all power driven equipment operated by laborers	3.60	.15				
Gunnite nozzlemen	4.10	.15				
Pipe wrappers & dopers	3.85	.15				
Powderman or blasterer	4.10	.15				
LATHERS	5.70	.20	.10	1.00	.01	
MARBLE SETTERS	5.70				.02	
MARBLE SETTERS' HELPERS	4.02					
PAINTERS:						
Brush	5.25	.25	.25		2/10%	
Spray	5.65	.25	.25		2/10%	
Sign	5.50	.25	.25		2/10%	
PLASTERERS	6.50				.01	
PLUMBERS - STEAMFITTERS	6.15	.15	.25		.035	

AP-392 P. 2

15 - Texas - 1 m (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Roofers	$4.825		.10			
Kettlemen	4.70		.10			
Waterproofers	4.825		.10			
Deckmen	4.825		.10			
SHEET METAL WORKERS	6.15		.25		.01	
SOFT FLOOR LAYERS	5.70	.21	.07		.02	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TERRAZZO WORKERS	5.70				.02	
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	5.70				.02	
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.90					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LIGHT EQUIPMENT						
Air compressor (1); Blade grader (towed); Conveyor; Fireman; Form grader; Flexplane; Generator (gas or diesel over 1500 watts); Hoist (1 drum); Lubrication truck driver; Mixer (less than 14 cu. ft.); Pulsometer; Pump (1); Roller (towed); Tractor (wheel type); Truck crane driver-oiler; Wagon drill; Welding machines (3 to 6) other than electric; All other equipment of similar nature coming with light equipment class when power operated	$5.225	.15	.20			
OILER						
Oiler, first year	4.625	.15	.20			
Oiler, second year	4.775	.15	.20			
HEAVY EQUIPMENT						
Air compressors (2); Asphalt plant mixer; Backfiller; Backhoe; Batch plant (concrete); Blade grader; Boring machine; Bull clam; Bull-dozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevator grader; Elevator, building (used on construction); Euclids & similar type machines; Forklift; Grade-all; Hi-lift; Hoist (2 drums or more); Locomotive and switch engines; Mixer (paving); Mixer (concrete); Piledriver; Pumps (2); Pumpcrete machines; Push cat or pull cat; Roller (flat-wheel); Scraper (all types); Shovel (power); Scoopmobile; Trench machine; Tugboat (on con-struction); Turnapulls and similar machines; Welding machines (7 to 13) other than electric; Well point; Winch truck; Mechanic; All other equipment of similar nature coming with heavy equipment class when power operated	5.80	.15	.20			

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.10					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Asphalt Shoveler	2.00					
Batching Plant Scaleman	3.35					
Batterboard Setter	2.60					
Carpenter	3.00					
Carpenter Helper	2.45					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.25					
Concrete Finisher (Structures)	2.85					
Concrete Finisher Helper (Structures)	2.40					
Electrician	4.60					
Fireman	3.00					
Form Builder (Structures)	3.00					
Form Builder Helper (Structures)	2.25					
Form Setter (Paving and Curb)	2.40					
Form Setter (Structures)	2.70					
Form Setter Helper (Structures)	2.15					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.40					
Mechanic Helper	2.50					
Oiler	2.50					
Piledriverman	3.00					
Pipelayer	2.20					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.75					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	3.00					
Bulldozer, 150 H.P. and Less	2.85					
Bulldozer, over 150 H.P.	3.20					
Concrete Paving Saw	2.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					

AF-392 P. 5 15 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Foundation Drill Operator (Truck Mounted)	$4.35					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.05					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.50					
Tractor (Crawler Type) over 150 H.P.	3.10					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.40					
Traveling Mixer	2.50					
Trenching Machine, Light	2.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.20					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.50					
Vibrator Man (Hand Type)	2.00					
Welder	3.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
Lineman	$7.22	.28	1%		1/2%	
Cable splicer	7.345	.28	1%		1/2%	
Groundman	4.74	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AP-393
COUNTY: Bexar
DATE: Date of Publication
Supersedes Decision No. AP-343, dated September 29, 1972, in 37 FR 20488.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

16 - Texas - 1 x (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.26	.29	.20		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	6.92	.25	.20		.05	
CARPENTERS	6.17	.28	.30		.02	
CEMENT MASONS:						
Cement masons	6.52	.25				
Machine operators	6.77	.25				
ELECTRICIANS:						
Electricians	7.18	.25	1%		1/2%	
Cable splicers	7.43	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	6.06	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.20		.20			
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.35	.40	.45		.05	
LABORERS:						
Common laborers	3.87	.25	.10		.02	
Air tool operator (jackhammer, vibrator)	3.96	.25	.10		.02	
Bell hole man	3.98	.25	.10		.02	
Mason tenders	3.98	.25	.10		.02	
Mortar mixers	4.24	.25	.10		.02	
Plasterers' tenders	4.24	.25	.10		.02	
Pipelayers, concrete & clay (non-metallic)	3.87	.25	.10		.02	
LATHERS	6.725				.01	
MARBLE MASONS	5.99	.25	.20			
MARBLE MASONS' HELPERS	4.02					
MILLWRIGHTS	6.47	.28	.30		.02	
PAINTERS:						
Brush	5.20		.20			
Spray	5.45		.20			
Structural steel	5.45		.20			
Spray on structural steel; sand-blaster	5.70		.20			
PLASTERERS	6.98				.01	
PLUMBERS - PIPEFITTERS	7.13	.25	.35		.10	
ROOFERS:						
Roofers	4.50				.01	
Kettlemen	3.95				.01	
Waterproofer	4.20				.01	
Deckman	4.50				.01	

16 - Texas - 1 x (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$7.05	.25	.25		.05	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	6.92	.25	.20		.05	
TERRAZZO WORKERS	5.99	.25	.20			
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	5.99	.25	.20			
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-393 P. 3

16 - Texas - PEO - 1 e

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
ALL FOUNDATION drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clam; Bulldozers; Cableway; Clam shell operator; Crane (power operated, all types); Derrick (power operated, all types); Draglines; EW-10 caterpillar and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledrivers; Pumpcrete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Turnapulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated	$6.52	.30	.20			
AIR COMPRESSOR (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces or equipment of equal or similar nature, coming within the light equipment class when power operated; Roller (under 5 ton); Truck crane drivers	5.86	.30	.20			
FIREMAN	4.96	.30	.20			
OILER	4.78	.30	.20			

AP-393 P. 4

16 - Texas - 3 h (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.20					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	2.45					
Electrician	5.60					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.10					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.00					
Mechanic	3.20					
Mechanic Helper	2.75					
Oiler	2.45					
Serviceman	2.35					
Painter (Structures)	2.90					
Painter Helper (Structures)	2.00					
Pipelayer	2.50					
Pipelayer Helper	2.10					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	2.95					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					

16 - Texas - 3 h (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Crusher or Screening Plant Operator	$3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	3.70					
Foundation Drill Operator (Truck Mounted)	4.80					
Foundation Drill Operator Helper	3.30					
Front End Loader (2½ C.Y. and Less)	2.75					
Front End Loader (Over 2½ C.Y.)	3.25					
Mixer(16 C.Y. and Less)	2.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.25					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.35					
Traveling Mixer-	2.50					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.25					
Winch	2.15					
Welder	4.00					
Welder Helper	2.75					

1 - Texas - LC c

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.905	.28	1%		1/2%	
Groundmen	4.67	.28	1%		1/2%	
Groundmen, 1st 6 mos.	3.45	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO. AP-394 DATE: Date of Publication
Supersedes Decision No. AP-355, dated November 3, 1972, in 37 FR 23523.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

24 - Texas - 1 k (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.30	.25		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	6.50					
CARPENTERS	6.00	.20	.05		.01	
CEMENT MASONS	4.75					
ELECTRICIANS:						
Electricians	6.50	.25	1%			
Cable splicers	6.75	.25	1%			
ELEVATOR CONSTRUCTORS	3.54	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.075	.40	.40		.10	
All ironworkers on jobs (30) miles or more from the City of Lubbock	6.20	.40	.40		.10	
LABORERS:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below	3.60					
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe	3.875					
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	3.80					
Wagon drill	3.95					
Blasterers and powder make-up men	4.20					
LATHERS	6.50	.20			.01	

24 - Texas - 1 k (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$5.00					
Spray	5.65					
PLASTERERS	5.75					
PLUMBERS - STEAMFITTERS	6.45		.35		.02	
SHEET METAL WORKERS	7.52					
SOFT FLOOR LAYERS	5.00					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TRUCK DRIVERS	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

2640 NOTICE!

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT OPERATORS						
Drilling machine (all types); Scoopmobile; Hoists, two drums or more; Winch truck; six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Gradall; Hy-ho; Hop-to; Paving mixers (all types); Piledrivers; Mobile concrete mixers, over 14 cubic feet; Bulldozers, Loaders, Tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressor & one pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	$6.00	.30	.50		.10	
LIGHT EQUIPMENT OPERATORS						
Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machines, gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except backhoe)	5.60	.30	.50		.10	
OILERS (ALL TYPES)	4.70	.30	.50		.10	

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Hesterman	$2.70					
Asphalt Raker	2.75					
Asphalt Shoveler	2.15					
Batching Plant Scaleman	2.95					
Carpenter	3.25					
Carpenter Helper	2.85					
Concrete Finisher (Paving)	3.50					
Concrete Finisher (Structures)	3.35					
Concrete Finisher Helper (Structures)	2.90					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	2.35					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.50					
Mechanic	3.05					
Oiler	2.70					
Serviceman	3.00					
Powderman	3.25					
Powderman Helper	2.50					
Sign Erector	2.75					
Sign Erector Helper	2.50					
Spreader Box Man	2.80					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	2.75					
Broom or Sweeper Operator	2.10					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and over)	3.85					
Crusher or Screening Plant Operator	3.00					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.30					
Motor Grader Operator, Fine Grade	3.90					
Motor Grader Operator	3.50					

AP-394 P. 5

24 - Texas - 3 h (Z - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Roller, Steel Wheel (Plant-Mix Pavements)	$2.75					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55					
Roller, Pneumatic (Self-Propelled)	2.40					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.50					
Tractor (Pneumatic) over 80 H.P.	2.65					
Traveling Mixer	3.15					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	3.10					
Weighman (Truck Scales)	2.30					
Welder	4.10					

6 - Texas - LC 1

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.50	.25	1%			
Operators	5.60	.25	1%			
Groundmen (more than 1 year experience)	5.35	.25	1%			
Groundmen (less than 1 year experience)	4.35	.25	1%			
Flat bed truck operator	4.60	.25	1%			

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AP-395
COUNTY: Harris
DATE: Date of Publication
Supersedes Decision No. AP-368, dated December 8, 1972, in 37 FR 26252.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

14 - Texas - 1 q (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.20	.275	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37		.05	
ELECTRICIANS	7.65	.25	1%+.15		.015	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (Jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.875	.25	.15		.02	
Pipelayers (concrete and clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operator	4.875	.25	.15		.02	
Lather tender	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well driller helpers	4.825	.25	.15		.02	
Blaster, Powdermen	5.125	.25	.15		.02	
Plaster tender & Hod carrier	4.975	.25	.15		.02	
LATHERS	6.75	.20	.15		.02	
PAINTERS:						
East Harris County:						
All brush painting, hand roller	7.08					
All spray painting, sandblasting, waterblasting	7.455					
Steeple jack work, hot materials	7.705					
Remainder of County:						
Brush	6.11	.275	.30	.30	.03	
Roller, steam cleaning, pneumatic tools	6.11	.275	.30	.30	.03	
Spray	6.485	.275	.30	.30	.03	
Sandblasting-waterblasting	6.485	.275	.30	.30	.03	
Steeple jack work, hot materials	6.735	.275	.30	.30	.03	

14 - Texas - 1 q (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PIPEFITTERS	$7.425	.375	.55		.045	
PLASTERERS	6.825	.27	.30		.02	
PLUMBERS	7.08	.32	.42	.50	.06	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettlemen	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	7.285	.225	.375	.20	.025	
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TILE SETTERS, MARBLE MASONS, MOSAIC & TERRAZZO WORKERS	5.00					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractors; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AP-395 P. 3

14 - Texas - PBO -1 L (1-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

AP-395 P. 4

14 - Texas - PBO - 1 L (2-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 - 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.46	.30	.30		.01	

4 - Texas - LC 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.87	.28	1%		1/2%	

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Hesterman	2.85					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	3.10					
Concrete Finisher (Structures)	3.65					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.65					
Form Liner (Paving and Curb)	3.80					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	2.90					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.70					
Mechanic	3.90					
Mechanic Helper	3.50					
Oiler	3.05					
Serviceman	3.20					
Painter (Structures)	3.85					
Painter Helper (Structures)	2.75					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.00					
Reinforcing Steel Setter (Paving)	3.40					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.70					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.25					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators						
Asphalt Distributor	$3.25					
Asphalt Paving Machine	3.50					
Bulldozer, 150 HP and Less	3.25					
Bulldozer, over 150 HP	3.50					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	4.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.40					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00					
Foundation Drill Operator (Crawler Mounted)	4.25					
Foundation Drill Operator (Truck Mounted)	3.80					
Front End Loader (2½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	3.15					
Tractor (Pneumatic) 80 HP and less	2.25					
Tractor (Pneumatic) over 80 HP	2.75					
Trenching Machine, Light	3.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.35					
Winch	2.75					
Welder	4.60					
Welder Helper	3.15					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr and Willacy

DECISION NO.: AP-396

DATE: Date of Publication

Supersedes Decision No. AP-357, dated November 10, 1972, in 37 FR 24005.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

23 - Texas - 1 I

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.555	.30	.295			
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	5.00					
CARPENTERS:						
Carpenters	4.275					
Piledrivermen	4.67					
CEMENT MASONS	3.50					
ELECTRICIANS	5.76		1%		1%	
GLAZIERS	2.75					
LABORERS:						
Common laborers	1.60					
Mason tenders	1.75					
Pipelayers (concrete & clay)	2.00					
PAINTERS:						
Brush	2.60					
PLASTERERS	5.00					
PLUMBERS - PIPEFITTERS	5.90	.15			.05	
ROOFERS:						
Roofers	3.00					
Kettlemen	2.05					
SOFT FLOOR LAYERS	2.00					
SPRINKLER FITTERS	8.35	.30	.50		.05	
TERRAZZO WORKERS	2.50					
TERRAZZO WORKERS' HELPERS	1.83					
TILE SETTERS	2.30					
TILE SETTERS' HELPERS	1.75					
TRUCK DRIVERS	1.93					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.85					
Asphalt Raker	2.15					
Batterboard Setter	2.70					
Carpenter	3.00					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	2.55					
Concrete Finisher Helper (Paving)	2.50					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.50					
Fireman	2.75					
Form Builder (Structures)	3.10					
Form Builder Helper (Structures)	2.35					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.85					
Laborer, Utility Man	2.30					
Manhole Builder, Brick	2.50					
Mechanic	3.15					
Mechanic Helper	2.60					
Oiler	2.50					
Serviceman	2.35					
Piledriverman	3.50					
Pipelayer	2.50					
Reinforcing Steel Setter (Structures)	3.00					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.60					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					

36 Texas 3 h (2-2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators, Cont'd:						
Front End Loader (2½ CY and Less)	$2.75					
Front End Loader (Over 2½ CY)	3.00					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35					
Roller Pneumatic (Self-Propelled)	2.10					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 HP and Less	2.50					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	2.25					
Tractor (Pneumatic) over 80 HP	2.85					
Traveling Mixer	2.85					
Trenching Machine, Light	3.25					
Truck Drivers:						
Single Axle, Light	1.85					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.85					
Welder	3.00					
Welder Helper	2.75					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$5.48	.28	1%		1/2%	
Groundman	3.47	.28	1%		1/2%	
Groundman, 1st 6 mos.	2.39	.28	1%		1/2%	

[FR Doc.73-1439 Filed 1-24-73;8:45 am]

federal register

FRIDAY, JANUARY 26, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 17
PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Implementation Regulations

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

DELETION OF REGULATIONS IMPLEMENTING LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

As set forth in 20 CFR, Part 01 (37 FR 22980), organizational changes have been made by which the former Bureau of Employees' Compensation and its functions were divided between two offices. Administration of the Federal Employees' Compensation Act (FECA) and related statutes was transferred to the Office of Federal Employees' Compensation (OFEC), and administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and related statutes was transferred to the Office of Workmen's Compensation Programs (OWCP). In view of the different office titles, and the addition of extensive new responsibility delegated to OWCP under the black lung benefits program (see 37 FR 25440) and amendments made to the LHWCA by Public Law 92–576, 86 Stat. 1261, it was determined that the regulations relating to the LHWCA and its extensions should, upon revision, be transferred to Chapter VI of Title 20, Code of Federal Regulations.

By separate document in the FEDERAL REGISTER this date p. 2650, amending Subchapter A of Chapter VI of Title 20, Code of Federal Regulations, there are published the revised regulations promulgated under the LHWCA and its extensions. Accordingly, the pending revision and recodification mentioned in 20 CFR 01.3 has been accomplished, and the regulations in Subchapters C, D, E, H, and I of Chapter I of Title 20, CFR, are superseded. Those subchapters are, therefore, hereby vacated and 20 CFR 01.3 is revoked.

Inasmuch as the new regulations in chapter VI, as published this date, are effective January 26, 1973, this deletion shall also be effective January 26, 1973.

Signed at Washington, D.C., this 18th day of January 1973.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.73-1401 Filed 1-24-73;8:45 am]

Chapter VI—Employment Standards Administration, Department of Labor

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

IMPLEMENTATION REGULATIONS

Pursuant to the authority contained in § 39 of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), as amended by Public Law 92–576, approved October 27, 1972, subchapter A of chapter VI of title 20, CFR, is amended by revising Part 701, entitled Functions of Office of Workmen's Compensation Programs, and by adding a new part 702, entitled Administration and Procedures, a new part 703, entitled "Insurance Regulations," and a new part 704, entitled "Special Provisions for LHWCA Extensions." Subchapter A of chapter VI, as amended, restates with extensive revisions and the addition of new subject matter, the rules formerly set forth in subchapters, C, D, E, H, and I of chapter I of this title 20 which, by a separate document published this date in the FEDERAL REGISTER, p. 2650, are accordingly being deleted from chapter I of this title.

Part 701 provides brief descriptions of the organizational component in the Department of Labor administering the LHWCA and its extensions and of the organization of subchapter A of chapter VI. Part 702 contains the administrative regulations describing how and where to file claims for workmen's compensation benefits, and setting forth the procedures in the various stages of handling such claims, from informal disposition through formal hearings, and further, how and when to file an appeal. Part 703 contains the technical regulations affecting insurance carriers or self-insured employers, i.e., describing how they become, and remain authorized to write or provide insurance coverage under the act. Part 704 contains special provisions for administration of the LHWCA extensions in those very few instances wherein the general Longshoremen's Act regulations are inappropriate or inapplicable.

The provisions of 5 U.S.C. 553 for notice, public procedure, and delayed effective date are not applicable to the interpretation rules, general statements of policy, and rules of agency organization, procedure, and practice set forth in these amendments. In addition, in view of the 1972 amendments to the LHWCA by Public Law 92–576, which became effective on November 26, 1972, it is necessary that the regulations applicable under the act and its extensions be revised and placed in effect as expeditiously as possible, both to accede to a congressional mandate that the regulations be promptly revised and to process and adjudicate the numerous claims awaiting action pending this revision. Under these circumstances, I find that notice of proposed rule making and opportunity for public comments thereon would be impracticable and contrary to the public interest. I further find that delay in the effective date of these regulations, for those same reasons, is also impracticable and contrary to the public interest. Accordingly, these regulations shall become effective January 26, 1973.

However, notwithstanding this promulgation of rules in final form, it is the policy of this Department to obtain and consider comments, arguments, and suggestions from all interested persons. Accordingly, the Employment Standards Administration will receive written comments, data, and arguments until March 5, 1973, at which time these comments will be considered as if this document were a proposal. Until this document is further amended, these regulations shall remain in full force and effect.

Interested persons are invited to submit such data, views, or arguments to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, on or before March 5, 1973.

As amended, subchapter A of chapter VI reads as follows:

PART 701—FUNCTIONS OF OFFICE OF WORKMEN'S COMPENSATION PROGRAMS

Sec.

701.101 Establishment of Office of Workmen's Compensation Programs.
701.102 Transfer of functions.
701.103 Historical background.
701.201 Scope of this subchapter.
701.202 Organization of this subchapter.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 36 D.C. Code 501; 42 U.S.C. 1651; 43 U.S.C. 1331; 5 U.S.C. 8171; Secretary's Order No. 13–71, 36 FR 8755.

§ 701.101 Establishment of Office of Workmen's Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13–71, 36 FR 8755, has established in the Employment Standards Administration (ESA) an Office of Workmen's Compensation Programs (OWCP). The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Deputy Assistant Secretary for Employment Standards/Wage-Hour Administrator and the Deputy Administrator, shall administer the programs assigned to that office by the Assistant Secretary.

§ 701.102 Transfer of functions.

Pursuant to the authority vested in him by the Secretary of Labor, the Assistant Secretary for Employment Standards has transferred from the Bureau of Employees' Compensation to the Office of Workmen's Compensation Programs all functions of the Department of Labor with respect to the administration of benefits programs under the following statutes:

(a) The Longshoremen's and Harbor Worker's Compensation Act, as amended and extended, 33 U.S.C. 901 et seq.;

(b) Defense Base Act, 42 U.S.C. 1651 et seq.;

(c) District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.;

(d) Outer Continental Shelf Lands Act, 43 U.S.C. 1331;

(e) Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 8171 et seq.;

(f) Title IV of the Federal Coal Mine Health and Safety Act, 83 Stat 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150.

§ 701.103 Historical background.

Administration of the Longshoremen's and Harbor Workers' Compensation Act (and the Federal Employees' Compensation Act, formerly known as the U.S. Employees' Compensation Act), was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943–1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees' Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat. 1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263, the Secretary of labor was authorized to make from time to time such provisions as he shall deem appropriate authorizing the performance of any of his functions by any other officer, agency or employee of the Department of Labor.

§ 701.201 Scope of this subchapter.

This subchapter contains the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and its direct extensions, the Defense Base Act (DBA), the District of Columbia Workmen's Compensation Act (DCCA), the Outer Continental Shelf Lands Act (OCSLA), and the Nonappropriated Fund Instrumentalities Act (NFIA), and such other amendments and extensions as may hereinafter be enacted. The regulations governing administration of the Black Lung Benefits Program are in Subchapter B of this chapter.

§ 701.202 Organization of this subchapter.

This part 701 is intended to provide a brief description of the organization, jurisdiction and method of operation of the Office of Workmen's Compensation Programs (also referred to in this subchapter as "the Office" or "OWCP"). Part 702 contains the general administrative regulations governing claims filed under the LHWCA, and part 703 contains the regulations governing authorization of insurance carriers, authorization of self-insurers, and issuance of certificates of compliance with said insurance regulations, as required by sections 32 and 37 of the LHWCA, 33 U.S.C. 932, 937. Inasmuch as the extensions of the LHWCA (see § 701.201) incorporate by reference nearly all of the provisions of the LHWCA, such that the regulations governing the latter apply to the extensions with very few exceptions, it has been determined that no useful purpose would be served by repeating the same provisions for each of the extensions. Accordingly, the regulations in parts 702 and 703 shall apply to the administration of the extensions (DBA, DCCA, OCSLA, and NFIA), unless otherwise noted. The exceptions to the general applicability of parts 702 and 703 are set forth in succeeding parts in this subchapter. Part 704 contains the exceptions for the DBA, the DCCA, the OCSLA, and the NFIA.

PART 702—ADMINISTRATION AND PROCEDURES

Subpart A—General Provisions

ADMINISTRATION

Sec.
702.101 Establishment of compensation districts.
702.102 Establishment of suboffices and jurisdictional areas.
702.103 Effect of establishment of suboffices and jurisdictional areas.
702.104 Transfer of individual cases.

RECORDS

702.111 Employer's records.
702.112 Records of the OWCP.
702.113 Inspection of records of the OWCP.
702.114 Copying of records of OWCP.

FORMS

702.121 Forms.

REPRESENTATION

702.131 Representation of parties in interest.
702.132 Fees for services.
702.133 Unapproved fees; solicitation of claimants; penalties.
702.134 Payment of claimant's attorneys' fees in disputed claims.
702.135 Payment of claimant's witness fees and mileage in disputed claims.

COMMUTATION OF PAYMENTS AND SPECIAL FUND

702.141 Commutation of payments; generally.
702.142 Commutation of payments; aliens not residents or about to become nonresidents.
702.143 Establishment of special fund.
702.144 Purpose of the special fund.
702.145 Use of the special fund.
702.146 Sources of the special fund.
702.147 Enforcement of special fund provisions.
702.148 Insurance carriers and self-insured employers responsibility.

Subpart B—Claims Procedures

EMPLOYER'S REPORTS

702.201 Reports from employers of employee's injury or death.
702.202 Employer's report; form and contents.
702.203 Employer's report; how given.
702.204 Employer's report; penalty for failure to furnish.
702.205 Employer's report; effect of failure to report upon time limitations.

NOTICE

702.206 Notice of employee's injury or death.
702.207 Notice; when given.
702.208 Notice; by whom given.
702.209 Notice; form and contents.
702.210 Notice; how given.
702.211 Effect of failure to give notice.

CLAIMS

702.212 Claims for compensation; time limitations.
702.213 Claims; time limitations; exceptions.
702.214 Claims; time limitations; time to object.
Sec.
702.215 Claims; notification of employer of filing by employee.
702.216 Withdrawal of a claim.

NONCONTROVERTED CLAIMS

702.231 Noncontroverted claims; payment of compensation without an award.
702.232 Payments without an award; when; how paid.
702.233 Penalty for failure to pay without an award.
702.234 Report by employer of commencement and suspension of payments.
702.235 Report by employer of termination of payments.
702.236 Penalty for failure to report termination of payments.

AGREED SETTLEMENTS

702.241 Agreed settlements; monetary benefits.
702.242 Agreed settlements; medical benefits.

CONTROVERTED CLAIMS

702.251 Employer's controversion of the right to compensation.
702.252 Action by deputy commissioner upon receipt of notice of controversion.

Subpart C—Adjudication Procedures

GENERAL

702.301 Scope of this subpart.

ACTION BY DEPUTY COMMISSIONERS

702.311 Prehearing conferences; purpose.
702.312 Prehearing conferences; called by whom; held before whom.
702.313 Prehearing conferences; how called; when called.
702.314 Prehearing conferences; how conducted.
702.315 Prehearing conferences; conclusion; agreement on all issues.
702.316 Prehearing conferences; conclusion; no agreement on all issues.

FORMAL HEARINGS

702.331 Formal hearings; procedure initiating.
702.332 Formal hearings; how conducted.
702.333 Formal hearings; parties.
702.334 Formal hearings; representatives of parties.
702.335 Formal hearings; notice.
702.336 Formal hearings; new issues.
702.337 Formal hearings; changes of time or place for hearings; postponements.
702.338 Formal hearings; general procedures.
702.339 Formal hearings; evidence.
702.340 Formal hearings; witnesses.
702.341 Formal hearings; depositions; interrogatories.
702.342 Formal hearings; witness fees.
702.343 Formal hearings; oral argument and written allegations.
702.344 Formal hearings; waiver of right to appear.
702.345 Formal hearings; consolidated issues.
702.346 Formal hearings; record of hearing.
702.347 Formal hearings; termination.
702.348 Formal hearings; preparation of final decision and order; content.
702.349 Formal hearings; filing and mailing of compensation orders; disposition of transcripts.
702.350 Finality of compensation order.
702.351 Withdrawal of controversion of issues set for formal hearing; effect.

INTERLOCUTORY MATTERS, SUPPLEMENTARY ORDERS AND MODIFICATIONS

Sec.
702.371 Interlocutory matters.
702.372 Supplementary compensation orders.
702.373 Modification of awards.

APPEALS

702.391 Appeals; where.
702.392 Appeals; what may be appealed.
702.393 Appeals; time limitations.
702.394 Appeals; procedure.

Subpart D—Medical Care and Supervision

702.401 Medical care defined.
702.402 Employer's duty to furnish; duration.
702.403 Employee's right to choose physician; limitation.
702.404 Physician defined.
702.405 Selection of physician; emergencies.
702.406 Change of physicians; non-emergencies.
702.407 Supervision of medical care.
702.408 Evaluation of medical questions; impartial specialists.
702.409 Evaluation of medical questions; results disputed.
702.410 Duties of employees with respect to special examinations.
702.411 Special examination; nature of impartiality of specialists.
702.412 Special examinations; costs chargeable to employer or carrier.
702.413 Fees for medical services; prevailing community charges.
702.414 Fees for medical services; disputes on prevailing charges.
702.415 Fees for medical services; unresolved disputes on charges; procedure.
702.416 Fees for medical services; disputes; hearings; necessary parties.
702.417 Fees for medical services; disputes; effect of adverse decision.

MEDICAL PROCEDURES

702.418 Procedure for requesting medical care; employee's duty to notify employer.
702.419 Action by employer upon acquiring knowledge or being given notice of injury.
702.420 Issuance of authorization; binding effect upon insurance carrier.
702.421 Effect of failure to obtain initial authorization.
702.422 Effect of failure to report on medical care after initial authorization.

Subpart E—Vocational Rehabilitation

702.501 Vocational rehabilitation; objective.
702.502 Vocational rehabilitation; action by deputy commissioners.
702.503 Vocational rehabilitation; action by adviser.
702.504 Vocational rehabilitation; referrals to State Employment Agencies.
702.505 Vocattional rehabilitation; referrals to other public and private agencies.
702.506 Vocational rehabilitation; training.
702.507 Vocational rehabilitation; maintenance allowance.
702.508 Vocational rehabilitation; confidentiality of information.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13-71, 36 FR 8755.

ADMINISTRATION

§ 702.101 Establishment of compensation districts.

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, the following compensation districts have been established:

District No. 1. Comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; with headquarters at Boston, Massachusetts.

District No. 2. Comprises the States of New York and New Jersey; with headquarters at New York, N.Y.

District No. 3. Comprises the States of Pennsylvania, Delaware, and West Virginia; with headquarters at Philadelphia, Pennsylvania.

District No. 4. Comprises the State of Maryland and the District of Columbia; with headquarters at Baltimore, Maryland.

District No. 5. Comprises the State of Virginia; with headquarters at Norfolk, Virginia.

District No. 6. Comprises the States of North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Florida; Alabama, except that part of the State south of 31° north latitude; and Mississippi, except that part of the State south of 31° north latitude; with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Arkansas, Louisiana, that part of the State of Alabama south of 31° north latitude, and that part of the State of Mississippi south of 31° north latitude; with headquarters at New Orleans, La.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Galveston, Tex.

District No. 9. Comprises the States of Ohio, Indiana, and Michigan; with headquarters at Cleveland, Ohio.

District No. 10. Comprises the States of Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, and Wisconsin; with headquarters at Chicago, Ill.

District No. 13. Comprises the States of California, Arizona, and Nevada; with headquarters at San Francisco, Calif.

District No. 14. Comprises the States of Washington, Oregon, Alaska, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, and South Dakota; with headquarters at Seattle, Wash.

District No. 15. Comprises the State of Hawaii; with headquarters at Honolulu, Hawaii.

§ 702.102 Establishment of suboffices and jurisdictional areas.

(a) As administrative exigencies from time to time may require, the Director may, by administrative order, establish special areas outside the continental United States, Alaska, and Hawaii, or change or modify any areas so established, notwithstanding their inclusion within an established compensation district. Such areas shall be designated "jurisdictional areas." The Director shall also designate which of his deputy commissioners shall be in charge thereof.

(b) To further aid in the efficient administration of the OWCP, the Director may from time to time establish suboffices within compensation districts or jurisdictional areas, and shall designate a person to be in charge thereof.

§ 702.103 Effect of establishment of suboffices and jurisdictional areas.

Whenever the Director establishes a suboffice or jurisdictional area, those reports, records, or other documents with respect to processing of claims that are required to be filed with the deputy commissioner of the compensation district in which the injury or death occurred, may instead be required to be filed at the suboffice, or office established for the jurisdictional area.

§ 702.104 Transfer of individual cases.

At any time after a claim is filed, the deputy commissioner having jurisdiction thereof may, with the approval of the Director, transfer such case to the deputy commissioner in another compensation district for the purpose of taking such action as may be necessary or appropriate to further develop the claim. The deputy commissioner making the transfer shall by letter to the deputy commissioner to whom the case is transferred give such advice, comments, suggestions, or directions as may be appropriate to the particular case. The transfer of cases shall be by registered or certified mail.

RECORDS

§ 702.111 Employer's records.

Every employer shall maintain adequate records of injury sustained by employees while in his employ, and which shall also contain information of disease, other impairments or disabilities, or death relating to said injury. Such records shall be available for inspection by the OWCP or by any State authority.

§ 702.112 Records of the OWCP.

All reports, records, or other documents filed with the OWCP with respect to claims are the records of the OWCP. The Director shall be the official custodian of those records maintained by the OWCP at its national office, and the deputy commissioner shall be the official custodian of those records maintained at the headquarters office in each compensation district.

§ 702.113 Inspection of records of the OWCP.

Any party in interest may be permitted to examine the record of the case in which he is interested. The official custodian of the record sought to be inspected shall permit or deny inspection in accordance with the Department of Labor's regulations pertaining thereto (see 29 CFR Part 70). The original record in any such case shall not be removed from the office of the custodian for such inspection. The custodian may, in his discretion, deny inspection of any record or part thereof which is of a character specified in 5 U.S.C. 552(b) if in his opinion such inspection may result in damage, harm, or harassment to the beneficiary or to any other person, or may be

inimical to the interests of the OWCP or of the United States. For special provisions concerning release of information regarding injured employees undergoing vocational rehabilitation (see § 702.508).

§ 702.114 Copying of records of OWCP.

Any party in interest may request copies of records he has been permitted to inspect. Such requests shall be addressed to the official custodian of the records sought to be copied. The official custodian shall provide the requested copies under the terms and conditions specified in the Department of Labor's regulations relating thereto (see 29 CFR Part 70).

FORMS

§ 702.121 Forms.

The Director may from time to time prescribe, and require the use of, forms for the reporting of any information required to be reported by the regulations in this subchapter, or by the Act or any of its extensions.

REPRESENTATION

§ 702.131 Representation of parties in interest.

Claimants, employers, and insurance carriers may be represented in any proceeding under the Act by an attorney or other person previously authorized to so act in writing.

§ 702.132 Fees for services.

An attorney or other representative seeking a fee for services performed with respect to claims filed under the Act shall make application therefor to the persons, administrative body, or court before whom the services were performed (see 33 U.S.C. 928(c)). The application shall be supported by a complete statement of the extent and character of the necessary work done. Any fee approved shall be reasonably commensurate with the actual necessary work performed, and shall take into account the capacity in which the representative has appeared, the amount of benefits involved and the financial circumstances of the claimant. No contract for a stipulated fee or for a fee on a contingent basis shall be recognized.

§ 702.133 Unapproved fees; solicitation of claimants; penalties.

Under the provisions of section 28(e) of the Act, 33 U.S.C. 928(e), any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of a claimant, unless such consideration or gratuity is approved under § 702.132, or who makes it a business to solicit employment for an attorney, or for himself in respect of any claim under the Act, shall upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both fine and imprisonment.

§ 702.134 Payment of claimant's attorney's fees in disputed claims.

(a) If the employer or carrier declines to pay any compensation on or before the 30th day after receiving written notice of a claim for compensation having been filed from the deputy commissioner, on the ground that there is no liability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the person, administrative body or court before whom the service was performed, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final (Act, section 28(a)).

(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to § 702.231 and section 14 (a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner, administrative law judge, or Board shall set the matter for an informal conference and following such conference the deputy commissioner, administrative law judge, or Board shall recommend in writing a deposition of the controversy. If the employer or carrier refuses to accept such written recommendation, within 14 days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the deputy commissioner, as authorized in section 7(e) and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier (Act, section 28(b)).

§ 702.135 Payment of claimant's witness fees and mileage in disputed claims.

In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board, or the court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act. (Act, section 28(d).)

COMMUTATION OF PAYMENTS AND SPECIAL FUND

§ 702.141 Commutation of payments; generally.

(a) Pursuant to section 14(j) of the Act, 33 U.S.C. 914(j), the deputy commissioner may determine that, in the interest of justice, the liability of the employer for compensation, or any part thereof, may be discharged by the payment of a lump sum equal to the present value of future payments commuted, computed at 4 per centum true discount compounded annually.

(b) Applications for commutation of future benefits shall be made to the deputy commissioner, on a form prescribed by the Director, OWCP, for that purpose. Applications shall be supported with a statement of the reasons for such application, together with such pertinent data as may lend support thereto.

(c) Applications for commutation of payments in disability cases will be accepted only when a compensation order has been filed in which the quality of the disability is found to be permanent and the duration of such disability is fixed by said order. Applications for commutation of payments in death cases will be approved only when it is shown that the rights of all probable and potential beneficiaries have been determined and after a compensation order has been filed fixing the rights of the beneficiary making the application or on whose behalf such commutation is sought.

(d) Commutations of payments shall be considered by the deputy commissioner, but no final action shall be taken in any case without the prior approval of the Director, OWCP.

(e) The probability of the happening of any contingency of any nature whatsoever affecting the amount or duration of compensation to be commuted shall not be considered excepting:

(1) The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he

is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality and considered; and

(2) The probability of the remarriage of the surviving wife shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution.

§ 702.142 Commutation of payments; aliens not residents or about to become nonresidents.

(a) Pursuant to section 9(g) of the Act, 33 U.S.C. 909(g), compensation paid to aliens not residents, or about to become nonresidents, of the United States or Canada shall be in the same amount as provided for residents except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of 1 year prior to the date of injury, and except that the Director, OWCP, may, at his option, or if upon the application of the insurance carrier he shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the Director.

(b) Applications for commutation under this section shall be made in writing to the deputy commissioner having jurisdiction, and forwarded by the deputy commissioner to the Director, for final action.

(c) Applications for commutations shall be made effective, if approved by the Director, on the date received by the deputy commissioner, or on a later date if shown to be appropriate on the application.

(d) Commutations shall not be made with respect to a person journeying abroad for a visit who has previously declared an intention to return and has stated a time for returning, nor shall any commutation be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.

§ 702.143 Establishment of special fund.

Congress, by section 44 of the Act, 33 U.S.C. 944, established in the U.S. Treasury a special fund, to be administered by the Secretary. The Treasurer of the United States is the custodian of such fund, and all moneys and securities in such fund shall be held in trust by the Treasurer and shall not be money or property of the United States. The Treasurer shall make disbursements from such fund only upon the order of the Director, OWCP, as delegee of the Secretary. The Act requires that the Director give bond, in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States, conditioned upon the faithful performance of his duty as custodian of such fund.

§ 702.144 Purpose of the special fund.

This special fund was established to give effect to a congressional policy determination that, under certain circumstances, the employer of a particular employee should not be required to bear the entire burden of paying for the compensation benefits due that employee under the Act. Instead, a substantial portion of such burden should be borne by the industry generally. Section 702.145 describes this special circumstance under which the particular employer is relieved of some of his burden. Section 702.146 describes the manner and circumstances of the input into the Fund.

§ 702.145 Use of the special fund.

(a) *Under section 10 of the Act.* This section provides for initial and subsequent annual adjustments in compensation and continuing payments to beneficiaries in cases of permanent total disability or death which commenced or occurred prior to enactment of the 1972 Amendments to this Act. (Public Law 92-576, approved Oct. 27, 1972.) At the discretion of the Director, such payments may be paid directly by him to eligible beneficiaries as the obligation accrues, one-half from the special fund and one-half from appropriations, or he may require insurance carriers or self-insured employers already making payments to such beneficiaries to pay such additional compensation as the amended Act requires. In the latter case such carriers and self-insurers shall be reimbursed by the Director for such additional amounts paid, in the proportion of one-half the amount from the special fund and one-half the amount from appropriations. To obtain reimbursement, the carriers and self-insurers shall submit claims for payments made by them during previous periods at intervals of not less than 6 months. A form has been prescribed for such purpose and shall be used. No administrative claims service expense incurred by the carrier or self-insurer shall be included in the claim and no such expense shall be allowed. The amounts reimbursed to such carrier or self-insurer shall be limited to amounts actually due and previously paid to beneficiaries.

(b) *Under section 8(f) of the Act (Second Injuries).* In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury, based upon the average weekly wages of the employee at the time of injury. If, following an injury falling within the provisions of section 8(c)(1)-(20), the employee with the preexisting permanent partial disability becomes permanently and totally disabled after the second injury, but such total disability is found not to be due solely to his second injury, the employer (or carrier) shall be liable for compensation as provided by the provisions of section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), or for 104 weeks, whichever is greater. In all other cases of a second injury causing permanent total disability (or death), wherein it is found that such disability (or death) is not due solely to the second injury, and wherein the employee had a preexisting permanent partial disability, the employer (or carrier) shall first pay compensation under section 8(b) or (e) of the Act, 33 U.S.C. 908(b) or (e), if any is payable thereunder, and shall then pay 104 weeks compensation for such total disability or death, and none otherwise. If the second injury results in permanent partial disability, and if such disability is compensable under section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), but the disability so compensable did not result solely from such second injury, and the disability so compensable is materially and substantially greater than that which would have resulted from the second injury alone, then the employer (or carrier) shall only be liable for the amount of compensation provided for in section 8(c)(1)-(20) that is attributable to such second injury, or for 104 weeks, whichever is greater. In all other cases wherein the employee is permanently and partially disabled following a second injury, and wherein such disability is not attributable solely to that second injury, and wherein such disability is materially and substantially greater than that which would have resulted from the second injury alone, and wherein such disability following the second injury is not compensable under section 8(c)(1)-(20) of the Act, then the employer (or carrier) shall be liable for such compensation as may be appropriate under section 8 (b) or (e) of the Act, 33 U.S.C. 908 (b) or (e), if any, to be followed by a payment of compensation for 104 weeks, and none other. The term "compensation" herein means money benefits only, and does not include medical benefits. The procedure for determining the extent of the employer's (or carrier's) liability under this paragraph shall be as provided for in the adjudication of claims in subpart C of Part 702 of these regulations, except that in lieu of the stipulation provided for in § 702.315, the deputy commissioner shall upon the consent of the parties, formalize the stipulation in the form of a compensation order, which shall be dated, filed, and mailed as provided for in § 702.349. Thereafter, upon cessation of payments which the employer is required to make under this paragraph, if any additional compensation is payable in the case, the deputy commissioner shall forward such case to the Director for consideration of an award to the person or persons entitled thereto out of the special fund. Any such award from the special fund shall be by order of the Director or Acting Director.

(c) *Under sections 8(g) and 39(c)(2) of the Act.* These sections, 33 U.S.C. 908(g) and 939(c)(2), respectively, provide for vocational rehabilitation of disabled employees, and authorize, under appropriate circumstances, a maintenance allowance for the employee (not to exceed $25 a week) in addition to other compensation benefits otherwise payable for his injury-related disability. Awards under these sections are made from the special fund upon order of the Director or his designee. The deputy commissioners may be required to make investigations with respect to any case and forward to the Director their recommenda-

tions as to the propriety and need for such maintenance.

(d) *Under section 39(c)(2) of the Act.* In addition to the maintenance allowance for the employee discussed in paragraph (c), the Director is further authorized to use the fund in such amounts as may be necessary to procure the vocational training services.

(e) *Under section 7(e) of the Act.* This provision, 33 U.S.C. 907, authorizes payment by the Director from the special fund for special medical examinations, i.e., those obtained from impartial specialists to resolve disputes, when such special examinations are deemed necessary under that statutory provision. The Director has the discretionary power, however, to charge the cost of such examination to the insurance carrier or self-insured employer.

(f) *Under section 18(b) of the Act.* This section, 33 U.S.C. 918(b), provides a source for payment of compensation benefits in cases where the employer is insolvent, or other circumstances preclude the payment of benefits due in any case. In such situations, the deputy commissioner shall forward the case to the Director for consideration of an award from the special fund, together with evidence with respect to the employer's insolvency or other reasons for nonpayment of benefits due. Benefits, as herein used, means medical care or supplies within the meaning of section 7 of the Act, 33 U.S.C. 907, and Subpart D of Part 702 of these regulations, as well as monetary benefits. Upon receipt of the case, the Director shall promptly determine whether an award from the special fund is appropriate and advisable in the case, having due regard for all other current commitments from the special fund. If such an award is made, the employer shall be liable for the repayment into the fund of the amounts paid therefrom, as provided in 33 U.S.C. 918(b).

§ 702.146 Sources of the special fund.

(a) All amounts collected as fines and penalties under the several provisions of the Act shall be paid into the special fund. (Act, section 44(c)(3).) Civil penalties provided for in the Act shall be collected by civil suits brought by, and in the name of, the Secretary of Labor.

(b) Whenever an employee dies under circumstances creating a liability on an employer to pay death benefits to the employee's beneficiaries, and whenever there are no such beneficiaries entitled to such payments, the employer shall pay $5,000 into the special fund. (Act, section 44(c)(1).) In such cases, the compensation order entered in the case shall specifically find that there is such liability and that there are no beneficiaries entitled to death benefits, and shall order payment by the employer into the fund. Compensation orders shall be made and filed in accordance with the regulations in Subpart C of this Part 702, except that for this purpose the deputy commissioner settling the case under § 702.315 shall formalize the stipulation of the parties in a compensation order, and shall file such order as provided for in § 702.349.

(c) The Director annually shall assess an amount against every insurance carrier and self-insured employer authorized under the Act and Part 703 of this subchapter to replenish the fund. The total amount to be charged all carriers and self-insurers shall be based upon his estimate of the probable expenses of the fund during the calendar year. The assessment against each carrier and self-insurer shall be based upon the amount each paid during the prior calendar year, for compensation and medical benefits, in relation to the amount all such authorized carriers or self-insurers paid during that period for compensation and medical benefits. The resulting percentage each paid out for such benefits the prior year shall be the percentage each shall pay into the fund under the current assessment. (Act, section 44(c)(2).) The Director may, in his discretion, condition continued authorization under Part 703 of these regulations upon prompt payment of the assessment. However, no action suspending or revoking such authorization shall be taken without affording such carrier or self-insurer a hearing before the Director or his designee.

§ 702.147 Enforcement of special fund provisions.

(a) As provided in section 44(d)(1) of the Act, 33 U.S.C. 944(d)(1), for the purpose of making rules, regulations, and determinations under the special fund provisions in section 44 and for providing enforcement thereof, the Director may investigate and gather appropriate data from each carrier and self-insured employer, and may enter and inspect such places and records (and make such transcriptions of records), question such employees, and investigate such facts, conditions, practices, or other matters as he may deem necessary or appropriate.

(b) Pursuant to section 44(d)(3) of the Act, 33 U.S.C. 944(d)(3), for the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of section 44 with respect to the special fund, the provisions of 15 U.S.C. 49 and 50 as amended (the Federal Trade Commission Act provisions relating to attendance of witnesses and the production of books, papers, and documents) are made applicable to the jurisdiction, powers, and duties of the Director, OWCP, as the Secretary's delegatee.

§ 702.148 Insurance carriers and self-insured employers responsibility.

Each carrier and self-insured employer shall make, keep, and preserve such records, and make such reports and provide such additional information as the Director prescribes or orders, which he considers necessary or appropriate to effectively carry out his responsibilities.

Subpart B—Claims Procedures

Employer's Reports

§ 702.201 Reports from employers of employee's injury or death.

Within 10 days from the date of an employee's injury or death, or 10 days from the date an employer has knowledge of an employee's injury or death, including any disease or death proximately caused by the employment, the employer shall furnish a report thereof to the deputy commissioner for the compensation district in which the injury or death occurred, and shall thereafter furnish such additional or supplemental reports as the deputy commissioner may request.

§ 702.202 Employer's report; form and contents.

The employer's report of an employee's injury or death shall be in writing and on a form prescribed by the Director for this purpose, and shall contain:

(a) The name, address, and business of the employer;

(b) The name, address and occupation of the employee;

(c) The cause, nature and other relevant circumstances of the injury or death;

(d) The year, month, day and hour when, and the particular locality where, the injury or death occurred;

(e) Such other information as the deputy commissioner may require.

§ 702.203 Employer's report; how given.

The employer's report, an original and one copy, may be furnished by delivering it to the appropriate office of the deputy commissioner, or by mailing it to said office.

§ 702.204 Employer's report; penalty for failure to furnish.

Any employer who fails or refuses to furnish any report required by § 702.201 shall be subject to a civil penalty not to exceed $500 for each such failure or refusal, 33 U.S.C. 930(e).

§ 702.205 Employer's report; effect of failure to report upon time limitations.

Where the employer, or agent in charge of the business, or carrier has been given notice or has knowledge of an employee's injury or death, and fails, neglects, or refuses to file a report thereof as required by § 702.201, the time limitations provisions with respect to the filing of claims for compensation for disability or death (33 U.S.C. 913(a), and see § 702.212) shall not begin to run until such report shall have been furnished as required herein.

Notice

§ 702.206 Notice of employee's injury or death.

Every person claiming compensation under this Act shall first notify the deputy commissioner for the compensation district in which the injury or death occurred, and the injured or deceased employee's employer, of the fact of such injury or death. If the employer is a partnership, notice may be given to any partner, or if a corporation, to any authorized agent or officer thereof, or to the person in charge of the business at the place where the injury occurred.

§ 702.207 Notice; when given.

Notice shall be given within 30 days after the date of the injury or death, or

within 30 days after the date the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the injury or death and the employee's employment.

§ 702.208 Notice; by whom given.

Notice shall be given by the injured employee or someone in his behalf, or in the case of death, by the deceased employee's beneficiary or someone in his behalf.

§ 702.209 Notice; form and contents.

Notice shall be in writing and signed by the person authorized to give notice, and shall contain the name and address of the employee and a statement of the time, place, nature and cause of the injury or death. A form has been prescribed by the Director for this purpose and shall be made available to the employee or beneficiary by the employer.

§ 702.210 Notice; how given.

Notice shall be given by delivering it to the deputy commissioner and the employer, or by sending it by mail.

§ 702.211 Effect of failure to give notice.

Failure to give timely notice shall not bar any claim for compensation if: (a) the employer or carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier was not prejudiced thereby; or (b) the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given. The employer or carrier may not raise as a defense to a claim the failure to file a timely notice unless such defense is raised at the first hearing held on the claim.

CLAIMS

§ 702.212 Claims for compensation; time limitations.

Claims for compensation for disability or death shall be in writing and shall be filed with the deputy commissioner in the compensation district in which the injury or death occurred. Such claims may be filed anytime after the first 7 days of disability following an injury, or at anytime after death. However, the right to such compensation shall be barred unless a claim therefor is filed within 1 year of such injury or death.

§ 702.213 Claims; time limitations; exceptions.

(a) Where the claim is founded on a casual relationship between the disease or death and the employment, the 1-year time limitation specified in § 702.212 shall not begin to run until the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of such relationship.

(b) Where payments of compensation have been made without an award on account of such injury or death, a claim shall be timely if filed within 1 year after the date of the last payment.

(c) Where a person entitled to compensation under the Act is mentally incompetent or a minor, the time limitation provision of § 702.212 shall not apply to a mentally incompetent person so long as such person has no guardian or other authorized representative, but § 702.212 shall be applicable from the date of appointment of such guardian or other representative. In the case of a minor who has no guardian before he becomes of age, time begins to run from the date he becomes of age.

(d) Where a person brings a suit at law or in admiralty to recover damages in respect of an injury or death, and recovery is denied plaintiff because he was an employee and defendant was an employer within the meaning of the Act, such employer had secured compensation to such employee under the Act, the 1-year time limitation in § 702.212 shall not begin to run until the date of termination of such suit.

§ 702.214 Claims; time limitations; time to object.

Notwithstanding the requirements of § 702.212, failure to file a claim within the period prescribed in such section shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

§ 702.215 Claims; notification of employer of filing by employee.

Within 10 days after the filing of a claim for compensation for injury or death under the Act, the deputy commissioner shall give written notice thereof to the employer or carrier, served personally or by certified mail.

§ 702.216 Withdrawal of a claim.

(a) *Before adjudication of claim.* A claimant (or an individual who is authorized to execute a claim on his behalf), may withdraw his previously filed claim provided that:

(1) He files with the deputy commissioner with whom the claim was filed a written request stating the reasons for withdrawal;

(2) The claimant is alive at the time his request for withdrawal is filed;

(3) The deputy commissioner approves the request for withdrawal as being for a proper purpose and in the claimant's best interest; and

(4) The request for withdrawal is filed on or before the date the OWCP makes a determination on the claim.

(b) *After adjudication of claim.* A claim for benefits may be withdrawn by a written request filed after the date the OWCP makes a determination on the claim, provided that:

(1) The conditions enumerated in paragraph (a) (1) through (3) of this section are met; and

(2) There is repayment of the amount of benefits previously paid because of the claim that is being withdrawn or it can be established to the satisfaction of the Office that repayment of any such amount is assured.

(c) *Effect of withdrawal of claim.* Where a request for withdrawal of a claim is filed and such request for withdrawal is approved, such withdrawal shall be without prejudice to the filing of another claim, subject to the time limitation provisions of section 13 of the Act and of the regulations in this part.

NONCONTROVERTED CLAIMS

§ 702.231 Noncontroverted claims; payment of compensation without an award.

Unless the employer controverts his liability to pay compensation under the Act, he shall pay periodically, promptly, and directly to the person entitled thereto the benefits prescribed by the Act.

§ 702.232 Payments without an award; when; how paid.

The first installment of compensation shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Compensation shall thereafter be paid in semimonthly installments, unless the deputy commissioner determines otherwise.

§ 702.233 Penalty for failure to pay without an award.

If any installment of compensation payable without an award is not paid within 14 days after it becomes due, there shall be added to such unpaid installment an amount equal to 10 per centum thereof which shall be paid at the same time as, but in addition to, such installment unless the employer files notice of controversion in accordance with § 702.251, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

§ 702.234 Report by employer of commencement and suspension of payments.

Immediately upon making the first payment of compensation, and upon the suspension of payments once begun, the employer shall notify the deputy commissioner having jurisdiction over the place where the injury or death occurred of the commencement or suspension of payments, as the case may be.

§ 702.235 Report by employer of termination of payments.

Within 16 days after the final payment of compensation has been made, the employer shall notify the deputy commissioner in writing thereof, stating that such final payment has been made, the total amount of compensation paid, the name and address of the person to whom payments were made, the date of the injury or death and the name of the injured or deceased employee, and the dates during which compensation was paid.

§ 702.236 Penalty for failure to report termination of payments.

Any employer failing to notify the deputy commissioner of termination of payments in accordance with § 702.235 shall be assessed a civil penalty in the amount of $100.

AGREED SETTLEMENTS

§ 702.241 Agreed settlements; monetary benefits.

(a) Whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation he may approve agreed settlements of the interested parties discharging the liability of the employer for such compensation notwithstanding the provisions of section 15(b) and section 16 of the Act, 33 U.S.C. 915(b) and 916. If the employee should die from causes other than the injury after the deputy commissioner has approved an agreed settlement, the sum so approved shall be payable in the manner herein prescribed, to and for the benefit of the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Application for approval of an agreed settlement under section 8(i) of the Act, 33 U.S.C. 908(i), shall be made in writing to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement under said section of the Act as well as the specific terms of such agreed settlement, and shall be accompanied by a medical report of examination of the employee, if a recent report is not of record in the office of the deputy commissioner.

(c) If the deputy commissioner determines that the injured employee is entitled to compensation and that the proposed agreed settlement according to such application is for the best interests of such employee he shall file a compensation order making necessary findings of fact relative to the character and quality of disability and the effect of same with respect to the employee's wage-earning capacity prior to approving such settlement and discharging the employee's liability for compensation payments. If such course is not practical the deputy commissioner shall determine the probable character and quality of disability according to the most recent evidence received. With such determination the deputy commissioner shall consider such other information as he may hear upon the advisability of approving the agreed settlement and thereupon make his decision.

(d) This section is not intended to furnish generally a basis for the settlement of claims or as a mere convenience in disposing of cases.

§ 702.242 Agreed settlements; medical benefits.

(a) Whenever the Director or his designee determines that it is for the best interests of an injured employee entitled to medical benefits he may approve agreed settlements of the interested parties discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of the Act, 33 U.S.C. 916. If the employee should die from causes other than the injury after an agreed settlement has been approved, the sum so approved shall be payable in the manner herein prescribed to, and for the benefit of, the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Applications for approval of an agreed settlement with respect to medical benefits shall be made in writing and shall be submitted to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement, as well as the specific terms of the agreed settlement. Such application shall be accompanied by a report of a recent medical examination pertaining to the employee's condition and to his future need for medical attention relating to the injury. Applications, including all supporting papers, shall be submitted in duplicate.

(c) Upon receipt of such application, the deputy commissioner, after appropriate consultation with the interested parties, shall forward such application, together with his comments and recommendations, as to the character and quality of disability and such other information as may be pertinent to the appropriateness of approving the agreed settlement, to the Director, OWCP, for such action as the Director considers appropriate including the entry of a compensation order if it is deemed to be in the best interest of the injured employee.

CONTROVERTED CLAIMS

§ 702.251 Employer's controversion of the right to compensation.

Where the employer controverts the right to compensation after notice or knowledge of the injury or death, or after receipt of a written claim, he shall give notice thereof, stating the reasons for controverting the right to compensation, using the form prescribed by the Director. Such notice, or answer to the claim, shall be filed with the deputy commissioner within 14 days from the date the employer receives notice or has knowledge of the injury or death. The original notice shall be sent to the deputy commissioner having jurisdiction, and a copy thereof shall be given or mailed to the claimant.

§ 702.252 Action by deputy commissioner upon receipt of notice of controversion.

Upon receiving the employer's notice of controversion, the deputy commissioner shall forthwith commence proceedings for the adjudication of the claim in accordance with the procedures set forth in subpart C of this part.

Subpart C—Adjudication Procedures

GENERAL

§ 702.301 Scope of this subpart.

The regulations in this subpart govern the adjudication of claims in which the employer has filed a notice of controversion under § 702.251 or there are unresolved issues of fact or law. The disputed issues of fact or law are first submitted to the deputy commissioner or his designee for informal resolution at a prehearing conference. If all issues are resolved at the conference, the parties shall file a stipulation to that effect and appropriate action shall then be taken as warranted (§ 702.311 et seq.). If the issues cannot be resolved by the deputy commissioner or his designee at the prehearing conference, the case is transferred to an administrative law judge for formal hearing. (§ 720.331 et seq.) Supplementary compensation orders, modifications and interlocutory matters are governed by regulations beginning with § 702.371. Decisions of the administrative law judges may be appealed to the Benefits Review Board (§ 702.391).

ACTION BY DEPUTY COMMISSIONERS

§ 702.311 Prehearing conferences; purpose.

Among the purposes of a prehearing conference are:

(a) To amicably dispose of the case by resolving the issues in dispute;

(b) To narrow and simplify the controverted issues;

(c) To simplify the subsequent methods of proof.

§ 702.312 Prehearing conferences; called by whom; held before whom.

Prehearing conferences shall be called by the deputy commissioner, or his designee assigned the case, and shall be held before that same person unless such person is absent, deceased, or otherwise unable to handle the cases assigned him.

§ 702.313 Prehearing conferences; how called; when called.

Prehearing conferences shall be called upon 10 days' notice to the claimant and to the employer or carrier, unless the parties agree to less than 10 days' notice, or unless the interests of justice require more than 10 days' notice. The notice shall be on a form prescribed by the Director, and shall indicate the date, time and place of the conference, and shall also specify the issues to be discussed. For good cause shown, the deputy commissioner may reschedule a conference.

§ 702.314 Prehearing conferences; how conducted.

Prehearing conferences shall be informal. No stenographic report shall be taken and no witnesses shall be called. The deputy commissioner shall guide the discussion toward the achievement of the purpose for such conference, giving the parties the benefit of his specialized knowledge and experience.

§ 702.315 Prehearing conferences; conclusion; agreement on all issues.

(a) The deputy commissioner shall prepare a memorandum at the termination of the conference and shall mail a copy thereof to each party in interest within 30 days of the date on which the conference was held. The memorandum shall contain the date, time and place

of the conference; the names and addresses of the parties, and their representatives, if any; the facts pertinent to the claim under consideration; the aspects of the claim initially controverted by the employer or carrier; the aspects of the claim unresolved at the start of the prehearing conference; and a statement of the recommendations of the deputy commissioner with respect to the matters in dispute and his proposed resolution thereof. Upon receiving said memorandum, the parties shall signify their agreement therewith by signing the memorandum and forthwith returning it to the office of the deputy commissioner. When returned to the office of the deputy commissioner by all parties, the signed memorandum shall be filed in the office of the deputy commissioner. The parties shall then be notified of such filing by certified mail and thereafter the employer or carrier shall immediately institute payments of compensation, if the order was in favor of the claimant, or such other action as the parties agreed to take.

(b) Nothing in the preceding paragraph shall be construed to preclude holding additional conferences to resolve an issue or issues not resolved at the conclusion of the initial conference if in the opinion of the deputy commissioner such additional conferences appear likely to resolve such issue or issues.

§ 702.316 Prehearing conferences; conclusion; no agreement on all issues.

(a) When it becomes apparent that the parties cannot reach agreement upon one or more issues, and one or both parties request a formal hearing, the deputy commissioner shall terminate the prehearing conference. Upon termination, the deputy commissioner shall immediately prepare a memorandum succinctly summarizing what transpired at the prehearing conference. This shall include a recitation of those matters pertinent to the claim upon which the parties have stipulated, a statement that the parties have so stipulated, and a listing of the issue or issues upon which agreement was not reached. A copy of this memorandum shall then be mailed to all parties and their representatives. Upon receipt thereof the parties shall, within 10 days of the receipt thereof, signify their agreement therewith by signing said memorandum and returning it to the deputy commissioner. If a party dissents to any portion of the memorandum, such dissention shall be noted thereon. Failure to return the memorandum within 10 days of its receipt shall be construed as acceptance thereof by such party.

(b) Upon return of the signed copies of the memorandum, the deputy commissioner shall prepare copies of each signed memorandum, or in the absence of a signed copy, note of such fact shall be made on the copy to be sent to the Office of the Chief Administrative Law Judge, and the requisite copies shall be forwarded to that office for appropriate action.

FORMAL HEARINGS

§ 702.331 Formal hearings; procedure initiating.

Formal hearings are initiated by transmitting to the Office of the Chief Administrative Law Judge the memorandum from the deputy commissioner as provided for in § 702.316.

§ 702.332 Formal hearings; how conducted.

Formal hearings shall be conducted by the administrative law judge assigned the case by the Office of the Chief Administrative Law Judge in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 554 et seq. All hearings shall be transcribed.

§ 702.333 Formal hearings; parties.

The necessary parties for a formal hearing are the claimant and the employer or insurance carrier, and the administrative law judge assigned the case.

§ 702.334 Formal hearings; representatives of parties.

The claimant and the employer or carrier may be represented by persons of their choice. However, if the administrative law judge determines that either party may not be sufficiently able to protect his rights under the Act, he may forbid such party to plead his own case and instead require that such party obtain the services of a qualified representative.

§ 702.335 Formal hearings; notice.

The Office of the Chief Administrative Law Judge shall notify, on a form prescribed for this purpose, the parties in interest of the scheduling of a formal hearing not less than 10 days in advance thereof. The notice shall specify the time and place at which the hearing is to be conducted. Attached thereto shall be a copy of the deputy commissioner's memorandum listing the issues to be resolved.

§ 702.336 Formal hearings; new issues.

(a) If, during the course of the formal hearing, the evidence presented warrants consideration of an issue not previously considered, the hearing shall be expanded to include such new issue. The parties shall, however, be given a reasonable time in which to prepare for such new issue.

(b) At any time prior to the filing of the compensation order in the case, the administrative law judge may in his discretion, upon the application of a party or upon his own motion, give notice that he will consider any new issue. The parties shall be given not less than 10 days' notice of the hearing on such new issue. The parties may stipulate that the issue may be heard at an earlier time and shall proceed to a hearing on the new issue in the same manner as on an issue initially considered.

§ 702.337 Formal hearings; change of time or place for hearings; postponements.

The Chief Administrative Law Judge or the administrative law judge assigned the case may change the time and place for the hearing, or postpone or temporarily adjourn a hearing, on his own motion or for good cause shown by a party. The parties shall be given not less than 10 days' notice of changes in the time and place of the hearing, unless the parties agree to such change without such notice. The Chief Administrative Law Judge may also reassign a case to another administrative law judge by reason of changes of time and place for the hearing, or by reason of postponements, or for other good cause.

§ 702.338 Formal hearings; general procedures.

All hearings shall be attended by the parties or their representatives and such other persons as the administrative law judge deems necessary and proper. The administrative law judge shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the administrative law judge believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time, prior to the filing of the compensation order, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedures at the hearing generally, except as these regulations otherwise expressly provide, shall be in the discretion of the administrative law judge and of such nature as to afford the parties a reasonable opportunity for a fair hearing.

§ 702.339 Formal hearings; evidence.

In making an investigation or inquiry, or conducting a hearing, the administrative law judge shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by 5 U.S.C. 554 and these regulations; but may make such investigation or inquiry or conduct such hearing in such a manner as to best ascertain the rights of the parties.

§ 702.340 Formal hearings; witnesses.

(a) Witnesses at the hearing shall testify under oath or affirmation, or as directed by the administrative law judge, unless they are excused by the administrative law judge for cause. The administrative law judge may examine the witnesses and shall allow the parties or their representatives to do so. If the administrative law judge conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the administrative law judge shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

(b) No person shall be required to attend as a witness in any proceeding before an administrative law judge at a place more than 100 miles from his place of residence, unless his lawful mileage and fees for such attendance shall be

paid or tendered to him in advance of the hearing date.

§ 702.341 Formal hearings; depositions; interrogatories.

The testimony of any witness may be taken by deposition or interrogatory according to the Federal Rules of Civil Procedure.

§ 702.342 Formal hearings; witness fees.

Witnesses summoned in a formal hearing before an administrative law judge or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States (33 U.S.C. 925). Before any witness fees are incurred the Chief Administrative Law Judge or administrative law judge shall determine, in his discretion, that the presence of any witness was necessary. If it is determined that the presence of a witness is not necessary then that witness shall not be entitled to witness fees pursuant to this section.

§ 702.343 Formal hearings; oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Copies of any brief or other written statement shall be filed with the administrative law judge and served on all parties in interest by the party submitting the statement.

§ 702.344 Formal hearings; waiver of right to appear.

If all parties waive their right to appear before the administrative law judge or to present evidence or argument personally or by representative, it shall not be necessary for the administrative law judge to give notice of and conduct an oral hearing. A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the Chief Administrative Law Judge or the administrative law judge. Where such a waiver has been filed by all parties, and they do not appear before the administrative law judge personally or by representative, the administrative law judge shall make a record of the relevant written evidence submitted by the parties, together with any pleadings they may submit with respect to the issues in the case. Such documents shall be considered as all of the evidence in the case and the decision shall be based on them.

§ 702.345 Formal hearings; consolidated issues.

When one or more additional issues are raised by the administrative law judge pursuant to § 702.336, such issues may, in the discretion of the administrative law judge, be consolidated for hearing and decision with other issues pending before him.

§ 702.346 Formal hearings; record of hearing.

All formal hearings shall be open to the public and shall be stenographically reported. All evidence upon which the administrative law judge relies for his final decision shall be contained in the transcript of testimony either directly or by appropriate reference. All medical reports, exhibits, and any other pertinent document or record, in whole or in material part, shall be incorporated into the record either by reference or as an appendix.

§ 702.347 Formal hearings; termination.

Formal hearings are officially terminated when all the evidence has been received, witnesses heard, pleadings and briefs submitted to the administrative law judge, and the transcript of the proceedings has been printed and delivered to the administrative law judge.

§ 702.348 Formal hearings; preparation of final decision and order; content.

Within 20 days after the official termination of the hearing as defined by § 702.347, the administrative law judge shall have prepared a final decision and order, in the form of a compensation order, with respect to the claim, making an award to the claimant or rejecting the claim. The compensation order shall contain appropriate findings of facts and conclusions of law with respect thereto, and shall be concluded with one or more paragraphs containing the order of the administrative law judge, his signature, and the date of issuance.

§ 702.349 Formal hearings; filing and mailing of compensation orders; disposition of transcripts.

The administrative law judge shall, within 20 days after the official termination of the hearing, deliver by mail, or otherwise, to the office of the deputy commissioner having original jurisdiction, the transcript of the hearing, other documents or pleadings filed with him with respect to the claim, together with his signed compensation order. Upon receipt thereof, the deputy commissioner, being the official custodian of all records with respect to such claims within his jurisdiction, shall formally date and file the transcript, pleadings, and compensation order (original) in his office. Such filing shall be accomplished as expeditiously as possible, and the deputy commissioner shall, on the same day as the filing was accomplished, send by certified mail a copy of the compensation order to the parties and to representatives of the parties, if any. Appended to each such copy shall be a paragraph entitled "proof of service," containing the certification of the deputy commissioner that the copies were mailed on the date stated, to each of the parties and their representatives, as shown in said paragraph.

§ 702.350 Finality of compensation order.

Compensation orders shall become effective when filed in the office of the deputy commissioner, and unless proceedings for suspension or setting aside of such orders are instituted within 30 days of such filing, shall become final at the expiration of the 30th day after such filing, as provided in section 21 of the act. If any compensation payable under the terms of such order is not paid within 10 days after it becomes due, § 14(f) of the act requires that there be added to such unpaid compensation an amount equal to 20 percent thereof which shall be paid at the same time as, but in addition to, such compensation unless review of the compensation order is had as provided in such § 21 and an order staying payment has been issued by the Benefits Review Board or the reviewing court.

§ 702.351 Withdrawal of controversion of issues set for formal hearing; effect.

Whenever a party withdraws his controversion of the issues set for a formal hearing, the administrative law judge shall halt the proceedings upon receipt from said party of a signed statement to that effect and forthwith notify the deputy commissioner who shall then proceed to dispose of the case as provided for in § 702.315.

INTERLOCUTORY MATTERS, SUPPLEMENTARY ORDERS, AND MODIFICATIONS

§ 702.371 Interlocutory matters.

Compensation orders shall not be made or filed with respect to interlocutory matters of a procedural nature arising during the pendency of a compensation case.

§ 702.372 Supplementary compensation orders.

(a) In any case in which the employer or insurance carrier is in default in the payment of compensation, due under any award of compensation, for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within 1 year after such default, apply in writing to the deputy commissioner, for a supplementary compensation order declaring the amount of the default. Upon receipt of such application, the deputy commissioner shall institute proceedings with respect to such application as if such application were an original claim for compensation, and the matter shall be disposed of as provided for in § 702.315, or if agreement on the issue is not reached, then as in § 702.316 et seq.

(b) If, after disposition of the application as provided for in paragraph (a) of this section, a supplementary compensation order is entered declaring the amount of the default, which amount may be the whole of the award notwithstanding that only one or more installments is in default, a copy of such supplementary order shall be forthwith sent by certified mail to each of the parties and their representatives. Thereafter, the applicant may obtain and file with the clerk of the Federal district court for the judicial district where the injury occurred or the district in which the employer has his principal place of business or maintains an office, a certified

copy of said order and may seek enforcement thereof as provided for by section 18 of the act, 33 U.S.C. 918.

§ 702.373 Modification of awards.

(a) Upon his own initiative, or upon application of any party in interest, the deputy commissioner may review any compensation case in accordance with the procedure in subpart C of this part, and after such review of the case under § 702.315, or review at formal hearings under the regulations governing formal hearings in subpart C of this part, file a new compensation order terminating, continuing, reinstating, increasing or decreasing such compensation, or awarding compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made retroactive from the date of injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner or the administrative law judge.

(b) Review of a compensation case under this section may be made at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to 1 year after the rejection of a claim.

(c) Review of a compensation case may be had had only for the reason that there is a change in conditions or that there was a mistake in the determination of facts.

APPEALS

§ 702.391 Appeals; where.

Appeals may be taken to the Benefits Review Board, U.S. Department of Labor, Washington, D.C. 20210.

§ 702.392 Appeals; what may be appealed.

Appeals may only be taken from compensation orders filed as provided for in subpart C of this part.

§ 702.393 Appeals; time limitations.

Appeals shall be filed with the Benefits Review Board, as provided for by their regulations, within 30 days of the filing of the compensation order complained of.

§ 702.394 Appeals; procedure.

The procedure for appeals to the Benefits Review Board shall be as provided for said Board upon issuance of its own rules and regulations.

Subpart D—Medical Care and Supervision

§ 702.401 Medical care defined.

Medical care shall include medical, surgical, and other attendance or treatment, nursing and hospital services, laboratory, X-ray and other technical services, medicines, crutches, or other apparatus and prosthetic devices, and any other medical service or supply, including the reasonable and necessary cost of travel incident thereto, which is recognized as appropriate by the medical profession for the care and treatment of the injury or disease.

§ 702.402 Employer's duty to furnish; duration.

It is the duty of the employer to furnish appropriate medical care for the employee's injury, and for such period as the nature of the injury or the process of recovery may require.

§ 702.403 Employee's right to choose physician; limitation.

The employee shall have the right to choose his attending physician from among those authorized by the Director, OWCP, to furnish such care and treatment. However, unless authorized by the deputy commissioner having jurisdiction, the employee's choice shall be limited to those physicians having offices within 25 miles of the employee's home or principal place of work. This exception shall not apply when the employee is hospitalized and the physician is on the staff of, or has privileges at, such hospital.

§ 702.404 Physician defined.

The term physician shall mean all duly qualified physicians, to include surgeons and osteopaths within the scope of their practice as defined by State law. Chiropractors, naturopaths, podiatrists (chiropodists), psychologists, optometrists, faith healers, and other practitioners of the healing arts are not recognized as physicians as that term is used in this part.

§ 702.405 Selection of physician; emergencies.

Whenever the nature of the injury is such that immediate medical care is required and the injured employee is unable to select a physician, the employer shall select a physician. Thereafter the employee may change physicians when he is able to make a selection. Such changes shall be made upon obtaining written authorization from the employer or, if consent is withheld, from the deputy commissioner.

§ 702.406 Change of physicians; nonemergencies.

Whenever the employee has made his initial, free choice of an attending physician, he may not thereafter change physicians without the prior written consent of the employer (or carrier) or the deputy commissioner. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for, and appropriate to, the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.

§ 702.407 Supervision of medical care.

The Director, OWCP, through the deputy commissioners and their designees, shall actively supervise the medical care of an injured employee covered by the Act. Such supervision shall include:

(a) The requirement that periodic reports on the medical care being rendered be filed in the office of the deputy commissioner, the frequency thereof being determined by order of the deputy commissioner or sound judgment of the attending physician as the nature of the injury may dictate;

(b) The determination of the necessity, character and sufficiency of any medical care furnished or to be furnished the employee;

(c) The determination of whether a change of physicians, hospitals or other persons or locales providing treatment should be made or is necessary;

(d) The further evaluation of medical questions arising in any case under the Act, with respect to the nature and extent of the covered injury, and the medical care required therefor.

§ 702.408 Evaluation of medical questions; impartial specialists.

In any case in which medical questions arise with respect to the appropriate diagnosis, extent, effect of, appropriate treatment, and the duration of any such care or treatment, for an injury covered by the Act, the Director, OWCP, through the deputy commissioners having jurisdiction, shall have the power to evaluate such questions by appointing one or more especially qualified physicians to examine the employee, or in the case of death to make such inquiry as may be appropriate to the facts and circumstances of the case. The physician or physicians, including appropriate consultants, should report their findings with respect to the questions raised as expeditiously as possible. Upon receipt of such report, action appropriate therewith shall be taken.

§ 702.409 Evaluation of medical questions; results disputed.

Any party who is dissatisfied with such report may request a review or reexamination of the employee by one or more different physicians employed by or selected by the Director, and such review or reexamination shall be granted unless it is found that it is clearly unwarranted. Such review shall be completed within 2 weeks from the date ordered unless it is impossible to complete the review, and render a report thereon, within such time period. Upon receipt of the report of this additional review and reexamination, such action as may be appropriate shall forthwith be taken.

§ 702.410 Duties of employees with respect to special examinations.

For any special examination required of an employee by §§ 702.408 and 702.409, the employee shall submit to such examination at such place as is designated in the order to report, but the place so selected shall be reasonably convenient for the employee. Failure to submit to such lawfully ordered examinations shall result in the suspension of proceedings, and no compensation otherwise payable shall be paid for any period during which the

employee may refuse to submit to such examination.

§ 702.411 Special examination; nature of impartiality of specialists.

(a) The special examinations required by § 702.408 shall be accomplished in a manner designed to preclude prejudgment by the impartial examiner. No physician previously connected with the case shall be present, nor may any other physician selected by the employer, carrier or employee. The special examining physician shall not have been made aware of, by any party or by the OWCP, of the opinions, reports or conclusions of any prior examining physician with respect to the nature and extent of the impairment, its cause, or its effect upon the wage earning capacity of the injured employee.

(b) No physician selected to perform impartial examinations shall be, or shall have been for a period of 2 years prior to the examination, an employee of an insurance carrier or self-insured employer, or who has accepted or participated in any fee from an insurance carrier or self-insured employer, unless the parties in interest agree thereto.

§ 702.412 Special examinations; costs chargeable to employer or carrier.

The Director or his designee ordering the special examination shall have the power, in the exercise of his discretion, to charge the cost of the examination or review to the employer, to the insurance carrier, or to the special fund established by section 44 of the Act, 33 U.S.C. 944.

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by physicians for the care of persons covered by this Act, or any other charges for medical treatment or supplies within the purview of this Act, shall be limited to such charges for similar treatment, services or supplies as prevail in the community. Except for good cause shown, the Director or his designee having charge of the case shall construe the term "community" to mean municipality or other local political entity.

§ 702.414 Fees for medical services; disputes on prevailing charges.

The Director or his designee may, or upon the written complaint of an employer or carrier shall, investigate any fee for medical treatment, services or supplies that appears to be not in line with prevailing community charges for similar treatment, services or supplies. If, upon appropriate investigation, the Director or his designee determines that the fee or cost of service or supplies does not conform to prevailing community charges, the person claiming the fee or cost charges shall be informed of the discrepancy and given the opportunity to adjust the fee or cost charge to within permissible limits.

§ 702.415 Fees for medical services; unresolved disputes on charges; procedure.

If, after investigation and ascertainment under § 702.414 that a fee or charge is not in accordance with prevailing community charges and the person claiming the fee or cost charge refuses to make the necessary adjustment, the matter shall then be referred by the Director to the Office of the Chief Administrative Law Judge for formal hearing in accordance with the procedures in subpart C of this part.

§ 702.416 Fees for medical services; disputes; hearings; necessary parties.

At formal hearings held pursuant to § 702.415, the necessary parties shall be the person whose fee or cost charge is in question and the Director, or their representatives. The employer or carrier may also be represented, and other parties, or associations having an interest in the proceedings, may be heard, in the discretion of the administrative law judge.

§ 702.417 Fees for medical services; disputes; effect of adverse decision.

If the final decision and order of the administrative law judge upholds the finding of the Director that the fee or charge in dispute was not in accordance with prevailing community charges, the person claiming such fee or cost charge shall be given 30 days after filing of such decision and order to make the necessary adjustment. If such person still refuses to make the required readjustment, such person shall not be authorized to conduct treatments or examinations, if a physician, or to provide any other services or supplies (if by other than a physician), notwithstanding that they are necessary and appropriate medical expenses within the purview of § 702.401, and any such fee or cost charge subsequently incurred for services performed or supplies furnished, whether for the benefit of the particular claimant in whose claim the dispute arose or for the benefit of any other claimant in any other case subsequently considered, shall not be a reimbursable medical expense under this subpart. Such debarred person shall remain debarred until such time as there is demonstrated to the satisfaction of the Director that fees will be charged in accordance with the prevailing community standards.

MEDICAL PROCEDURES

§ 702.418 Procedure for requesting medical care; employee's duty to notify employer.

As soon as practicable, but within 30 days after occurrence of an injury covered by the Act, or within 30 days after an employee becomes aware, or in the exercise of reasonable diligence should be aware, of the relationship between an injury or disease and his employment, the injured employee or someone on his behalf shall give written notice thereof to the deputy commissioner having jurisdiction over the place where the injury occurred and to the employer. If a form has been prescribed for such purpose it shall be used, if available and practicable under the circumstances. Notices filed under subpart B of this part, if on the form prescribed by the Director for such purpose, satisfy the written notice requirements of this subpart.

§ 702.419 Action by employer upon acquiring knowledge or being given notice of injury.

Whenever an employer acquires knowledge of an employee's injury, through receipt of a written notice or otherwise, said employer shall forthwith authorize, in writing, appropriate medical care. If a form is prescribed for this purpose it shall be used whenever practicable.

§ 702.420 Issuance of authorization; binding effect upon insurance carrier.

The issuance of an authorization for treatment by the employer shall bind his insurance carrier to furnish and pay for such care and services.

§ 702.421 Effect of failure to obtain initial authorization.

An employee shall not be entitled to recover for medical services and supplies unless he shall have first requested authorization from his employer therefor. This prohibition shall not apply in emergency situations, nor shall it apply in cases where the employer (including the superintendent, foreman, or other person having charge of the work and having knowledge of the injury) refuses or neglects to authorize such care when requested by the employee.

§ 702.422 Effect of failure to report on medical care after initial authorization.

(a) Notwithstanding that medical care is properly obtained in accordance with § 702.421, the employer and his insurance carrier shall not be liable for the expense thereof unless the physician rendering such initial care or services furnishes a report thereon to the employer and to the deputy commissioner having jurisdiction. The report required by this section shall be furnished within 10 days following the date of first treatment. The report shall be upon a form prescribed by the Director for such purpose.

(b) For good cause shown, the deputy commissioner or administrative law judge may excuse the failure to file the report within 10 days, and further, may make an award for the reasonable value of such medical care.

Subpart E—Vocational Rehabilitation

§ 702.501 Vocational rehabilitation; objective.

The objective of vocational rehabilitation is the return of permanently disabled persons to gainful employment commensurate with their physical or mental impairments, or both, through a program of reevaluation or redirection of their abilities, or retraining in another occupation, or selective job placement assistance.

§ 702.502 Vocational rehabilitation; action by deputy commissioners.

All injury cases which are likely to result in, or have resulted in, permanent disability, and which are of a character

likely to require review by a vocational rehabilitation adviser on the staff of the Director, shall promptly be referred to such adviser by the deputy commissioner or his designee having charge of the case. A form has been prescribed for such purpose and shall be used. Medical data and other pertinent information shall accompany the referral.

§ 702.503 Vocational rehabilitation; action by adviser.

The vocational rehabilitation adviser, upon receipt of the referral, shall promptly consider the feasibility of a vocational referral or request for cooperative services from available resources or facilities, to include counseling, vocational survey, selective job placement assistance, and retraining. Public or private agencies may be utilized in arranging necessary vocational rehabilitation services under the Federal Vocational Rehabilitation Act, 29 U.S.C. 31 et seq.

§ 702.504 Vocational rehabilitation; referrals to State Employment Agencies.

Vocational rehabilitation advisers will arrange referral procedures with State Employment Service units within their assigned geographical districts for the purpose of securing employment counseling, job classification, and selective placement assistance. Referrals shall be made to State Employment Offices based upon the following:

(a) Vocational rehabilitation advisers will screen cases so as to refer only those disabled employees who are considered to have employment potential;

(b) Only employees will be referred who have permanent, compensable disabilities resulting in a significant vocational handicap and loss of wage earning capacity;

(c) Disabled employees, whose initial referral to former private employers did not result in a job reassignment or in a job retention, shall be referred for employment counseling and/or selective placement unless retraining services consideration is requested;

(d) The vocational rehabilitation advisers shall arrange for employees' referrals if it is ascertained that they may benefit from registering with the State Employment Service;

(e) Referrals will be made to appropriate State employment offices by letter, including all necessary information and a request for a report on the services provided the employee when he registers;

(f) The injured employee shall be advised of available job counseling services and informed that he is being referred for employment and selective placement;

(g) A followup shall be made within 60 days on all referrals to assure uniform reporting by State agencies on cases referred for a vocational survey.

§ 702.505 Vocational rehabilitation; referrals to other public and private agencies.

Referrals to such other public and private agencies providing assistance to disabled persons such as public welfare agencies, Public Health Services facilities, social services units of the Veterans Administration, the Social Security Administration, and other such agencies, shall be made by the vocational rehabilitation adviser, where appropriate, on an individual basis when requested by disabled employees. Such referrals do not provide for a service cost reimbursement by the Department of Labor.

§ 702.506 Vocational rehabilitation; training.

Vocational rehabilitation training shall be planned in anticipation of a short, realistic, attainable vocational objective terminating in remunerable employment, and in restoring wage-earning capacity or increasing it materially. The following procedures shall apply in arranging for or providing training:

(a) The vocational rehabilitation adviser shall arrange for and develop all vocational training programs;

(b) Training programs shall be developed to meet the varying needs of eligible beneficiaries, and may include courses at colleges, technical schools, training at rehabilitation centers, on-the-job training, or tutorial courses. The course shall be pertinent to the occupation for which the employee is being trained.

(c) Training may be terminated if the injured employee fails to cooperate with the Department of Labor or with the agency supervising his course of training. The employee shall be counseled before training is terminated.

(d) Reports shall be required at periodic intervals on all persons in approved training programs.

§ 702.507 Vocational rehabilitation: maintenance allowance.

(a) An injured employee who, as a result of injury, is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the Director is being rendered fit to engage in a remunerative occupation, shall be paid additional compensation necessary for his maintenance, not exceeding $25 a week. The expense shall be paid out of the special fund established in section 44 of the Act, 33 U.S.C. 944. The maximum maintenance allowance shall not be provided on an automatic basis, but shall be based on the recommendation of a State agency that a claimant is unable to meet additional costs by reason of being in training.

(b) When required by reason of personal illness or hardship, limited periods of absence from training may be allowed without terminating the maintenance allowance. A maintenance allowance shall be terminated when it is shown to the satisfaction of the Director that a trainee is not complying reasonably with the terms of the training plan or is absenting himself without good cause from training so as to materially interfere with the accomplishment of the training objective.

§ 702.508 Vocational rehabilitation; confidentiality of information.

The following safeguards will be observed to protect the confidential character of information released regarding an individual undergoing rehabilitation:

(a) Information will be released to other agencies from which an injured employee has requested services only if such agencies have established regulations assuring that such information will be considered confidential and will be used only for the purpose for which it is provided;

(b) Interested persons and agencies have been advised that any information concerning rehabilitation program employees is to be held confidential;

(c) A rehabilitation employee's written consent is secured for release of information regarding disability to a person, agency, or establishment seeking the information for purposes other than the approved rehabilitation planning with such employee.

PART 703—INSURANCE REGULATIONS

Sec.

703.001 Scope of part.
703.002 Forms.

AUTHORIZATION OF INSURANCE CARRIERS

703.101 Types of companies which may be authorized by the office.
703.102 Applications for authority to write insurance; how filed; evidence to be submitted; other requirements.
703.103 Stock companies holding Treasury certificates of authority.
703.104 Applicants currently authorized to write insurance under the extensions of the LHWCA.
703.105 Copies of forms of policies to be submitted with application.
703.106 Certificate of authority to write insurance.
703.107 Period of certificate of authority.
703.108 Applications for reauthorization.
703.109 Longshoremen's endorsement; see succeeding parts for endorsements for extensions.
703.110 Other forms of endorsements and policies.
703.111 Submission of new forms of policies for approval; other endorsements.
703.112 Terms of policies.
703.113 Marine insurance contracts.
703.114 Notice of cancellation.
703.115 Discharge by the carrier of obligations and duties of employer.
703.116 Report by carrier of issuance of policy or endorsement.
703.117 Report; by whom sent.
703.118 Agreement to be bound by report.
703.119 Report by employer operating temporarily in another compensation district.
703.120 Name of one employer only shall be given in each report.

AUTHORIZATION OF SELF-INSURERS

703.301 Employers who may be authorized as self-insurers.
703.302 Application for authority to become a self-insurer; how filed; information to be submitted; other requirements.
703.303 Decision upon application of employer; deposit of negotiable securities or indemnity bond.

Sec.
703.304 Filing of agreement and undertaking.
703.305 Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.
703.306 Kinds of negotiable securities which may be deposited; conditions of deposit; acceptance of deposits.
703.307 Deposits of negotiable securities with Federal Reserve banks or the Treasurer of the United States; authority to sell such securities; interest thereon.
703.308 Substitution and withdrawal of negotiable securities.
703.309 Increase or reduction in the amount of indemnity bond or negotiable securities.
703.310 Reports required of self-insurers; examination of accounts of self-insurer.
703.311 Period of authorization as self-insurer; renewals.
703.312 Revocation of privilege of self-insurance.

ISSUANCE OF CERTIFICATES OF COMPLIANCE

703.501 Issuance of certificates of compliance.
703.502 Same; employer operating temporarily in another compensation district.
703.503 Return of certificates of compliance.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 932, 937, 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13-71, 36 FR 8755.

§ 703.001 Scope of part.

This Part 703 contains the regulations of the OWCP governing the authorization of insurance carriers, the authorization of self-insurers, and the issuance of certificates of compliance. Such provisions are required by the LHWCA, but in almost every instance apply, and hereby are applied, to the extensions of the LHWCA. In those few instances where a separate provision is required, tailored to meet the specific requirements of one of the extended acts, note thereof is made in the regulations in this part together with instruction to see the appropriate succeeding parts of this subchapter A, wherein the specific requirements of each extended act are set forth.

§ 703.002 Forms.

Any information required by the regulations in this part to be submitted to the OWCP shall be submitted on such forms as the Director may deem appropriate and may authorize from time to time for such purpose.

AUTHORIZATION OF INSURANCE CARRIERS

§ 703.101 Types of companies which may be authorized by the Office.

The Office will consider for the granting of authority to write insurance under the Longshoremen's and Harbor Workers' Compensation Act and its extensions the application of any stock company, mutual company or association, or any other person or fund, while authorized under the laws of the United States or of any State to insure workmen's compensation. The term "carrier" as used in this part means any person or fund duly authorized to insure workmen's compensation benefits under said Act, or its extensions.

§ 703.102 Applications for authority to write insurance; how filed; evidence to be submitted; other requirements.

An application for authority to write insurance under this act shall be made in writing, signed by the principal officer of the applicant duly authorized to make such application, and transmitted to the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211. Such application shall be accompanied by full and complete information regarding the history and experience of such applicant in the writing of workmen's compensation insurance, together with evidence that it has authority in its charter or form of organization to write such insurance, and evidence that the applicant is currently authorized to insure workmen's compensation liability under the laws of the United States or of any State. The statements of fact in each application and in the supporting evidence shall be verified by the oath of the officer of the applicant who signs such application. Each applicant shall state in its application the area or areas in which it intends to do business. In connection with any such application the following shall be submitted, the Office reserving the right to call for such additional information as it may deem necessary in any particular case:

(a) A copy of the last annual report made by the applicant to the insurance department or other authority of the State in which it is incorporated, or the State in which its principal business is done.

(b) A certified copy from the proper State authorities of the paper purporting to show the action taken upon such report, or such other evidence as the applicant desires to submit in respect of such report, which may obviate delay caused by an inquiry of the Office of the State authorities relative to the standing and responsibility of the applicant.

(c) A full and complete statement of its financial condition, if not otherwise shown, and, if a stock company, shall show specifically its capital stock and surplus.

(d) A copy of its charter or other formal outline of its organization, its rules, its bylaws, and other documents, writings, or agreements by and under which it does business, and such other evidence as it may deem proper to make a full exposition of its affairs and financial condition.

§ 703.103 Stock companies holding Treasury certificates of authority.

A stock company furnishing evidence that it is authorized to write workmen's compensation insurance under the laws of the United States or of any State, which holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, unless requested to do so, need not transmit to the Office with its application copies of such financial reports as are on file in the Department of the Treasury. The acceptance by that Department of such a company will be considered by the Office in conjunction with the application of such company, provided there has been compliance with the other requirements of the regulation in this part.

§ 703.104 Applicants currently authorized to write insurance under the extensions of the LHWCA.

Any applicant currently authorized by the Office to write insurance under any extension of the LHWCA need not support its application under the LHWCA or any other LHWCA extension with the evidence required by the regulations in this part, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Office, but instead its application may refer to the fact that it has been so authorized.

§ 703.105 Copies of forms of policies to be submitted with application.

With each application for authority to write insurance there shall be submitted for the approval of the Office copies of the forms of policies which the applicant proposes to issue in writing insurance under the Longshoremen's Act, or its extensions, to which shall be attached the appropriate endorsement to be used in connection therewith.

§ 703.106 Certificate of authority to write insurance.

No corporation, company, association, person, or fund shall write insurance under this act without first having received from the Office a certificate of authority to write such insurance. Any such certificate issued by the Office, after application therefor in accordance with these regulations, may authorize the applicant to write such insurance in a limited territory as determined by the Office. The Office may suspend or revoke any such certificate prior to its expiration for good cause shown, but no suspension or revocation shall effect the liability of any carrier already incurred. Good cause shall include the failure to maintain in such limited territory a regular business office with full authority to act on all matters falling within the act. A hearing may be requested by the aggrieved party and held before Director or his designee prior to the taking of any action under this section.

§ 703.107 Period of certificate of authority.

No certificate of authority to write insurance under said act and the regulations in this part shall be issued by the Office for a period in excess of 18 months. The expiration date which shall be stated in the certificate of authority, shall fall on the 30th day of June.

§ 703.108 Applications for reauthorization.

Any carrier holding an unexpired certificate of authority and desiring reauthorization to write insurance for the

period of a year from the expiration of such certificate shall apply to the Office by letter over the signature of its principal officer for such a certificate of authority. No evidence of the financial condition of such carrier need be furnished unless requested by the Office after the application is received. The Office may require such carrier to submit, for Office consideration in connection with such reauthorization, evidence or explanation relating to the experience and practice of such carrier in the conduct of its affairs with respect to the said act, or with reference to the fidelity and punctuality of the performance by such carrier of its past or current obligations under the law. Such application, to avoid a break in the period of authorization of the carrier to write such insurance, should be filed with the Office not later than June 1 of each year.

§ 703.109 Longshoremen's endorsement; see succeeding parts for endorsements for extensions.

(a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy, shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. -------.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of this act, and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, U.S. Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said act.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancelation has been sent to the Deputy Commissioner and to this employer.

All terms, conditions, requirements, and obligations, expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

§ 703.110 Other forms of endorsements and policies.

Where the form of endorsement prescribed by § 703.109 is not appropriate when used in conjunction with a form of policy approved for use by the Office, no modification thereof shall be used unless specifically approved by the Office. Where the form of policy is designed to include therein the obligations of the insurer under said Act without the use of the appropriate endorsements, the policy shall contain the provisions required to be included in any of the endorsements. Such a policy, however, shall not be used until expressly approved by the Office.

§ 703.111 Submission of new forms of policies for approval; other endorsements.

No new forms of policies or modification of existing forms of policies shall be used by an insurer authorized by the Office under the regulations in this part to write insurance under said Act except after submission to and approval by the Office. No endorsement altering any provisions of a policy approved by the Office shall be used except after submission to and approval by the Office.

§ 703.112 Terms of policies.

A policy or contract of insurance shall be issued for the term of not less than 1 year from the date that it becomes effective, but if such insurance be not needed except for a particular contract or operation, the term of the policy may be limited to the period of such contract or operation.

§ 703.113 Marine insurance contracts.

A longshoremen's policy, or the longshoremen's endorsement provided for by § 703.109 for attachment to a marine policy, may specify the particular vessel or vessels in respect of which the policy applies and the address of the employer at the home port thereof. The report of the issuance of a policy or endorsement required by § 703.116 to be made by the carrier shall be made to the deputy commissioner for the compensation district in which the home port of such vessel or vessels is located, and such report shall show the name and address of the owner as well as the name or names of such vessel or vessels.

§ 703.114 Notice of cancellation.

Cancellation of a contract or policy of insurance issued under authority of said Act shall not become effective otherwise than as provided by 33 U.S.C. 936 (b); and notice of a proposed cancellation shall be given to the deputy commissioner and to the employer in accordance with the provisions of 33 U.S.C. 912(c), 30 days before such cancellation is intended to be effective.

§ 703.115 Discharge by the carrier of obligations and duties of employer.

Every obligation and duty in respect of payment of compensation, the providing of medical and other treatment and care, the payment or furnishing of any other benefit required by said Act and in respect of the carrying out of the administrative procedure required or imposed by said Act or the regulations in this part upon an employer shall be discharged and carried out by the carrier except that the prescribed report of injury or death shall be sent by the employer to the deputy commissioner and to the insurance carrier as required by 33 U.S.C. 930. Such carrier shall be jointly responsible with the employer for the submission of all reports, notices, forms, and other administrative papers required by the deputy commissioner or the Office in the administration of said Act to be submitted by the employer, but any form or paper so submitted where required therein shall contain in addition to the name and address of the carrier, the full name and address of the employer on whose behalf it is submitted. Notice to or knowledge of an employer of the occurrence of the injury or death shall be notice to or knowledge of such carrier. Jurisdiction of the employer by a deputy commissioner, the Office, or appropriate appellate authority under said Act shall be jurisdiction of such carrier. Any requirement under any compensation order, finding, or decision shall be binding upon such carrier in the same manner and to the same extent as upon the employer.

§ 703.116 Report by carrier of issuance of policy or endorsement.

Each carrier shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made in such manner and on such form as the district or the Office may require.

§ 703.117 Report; by whom sent.

The report of issuance of a policy and endorsement provided for in § 703.116 shall be sent by the home office of the carrier, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agencies so duly authorized.

§ 703.118 Agreement to be bound by report.

Every applicant for authority to write insurance under the provisions of this Act, or for the renewal of that authority, shall be deemed to have included in its application an agreement that the acceptance by the deputy commissioner of a report of the issuance of a policy of insurance, as provided for by § 703.116, shall bind the carrier to full liability for the obligations under this Act of the employer named in said report, and every certificate of authority to write insurance under this Act shall be deemed to have been issued by the Office upon consideration of the carrier's agreement to become so bound. It shall be no defense to this agreement that the carrier failed or delayed to issue the policy to the employer covered by this report.

§ 703.119 Report by employer operating temporarily in another compensation district.

Where an employer having operations in one compensation district contemplates engaging in work subject to the Act in another compensation district, his carrier may submit to the deputy commissioner of such latter district a report pursuant to § 703.116 containing the address of the employer in the first mentioned district with the additional

notation "No present address in ------ compensation district. Certificate requested when address given."

§ 703.120 Name of one employer only shall be given in each report.

A separate report of the issuance of a policy and endorsement, provided for by § 703.116, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report.

AUTHORIZATION OF SELF-INSURERS

§ 703.301 Employers who may be authorized as self-insurers.

The Office will consider for the granting of authority to secure by self-insurance the payment of compensation under the Longshoremen's and Harbor Workers' Compensation Act, or its extensions, any employer who, pursuant to the regulations in this part, furnishes to the Office satisfactory proof of such employer's ability to pay compensation directly. The succeeding regulations relating to self-insurers require the deposit of security in the form either of an indemnity bond or negotiable securities (at the option of the employer) of a kind and in an amount determined by the Office, and prescribe the conditions under which such deposit shall be made. The term "self-insurer" as used in these regulations means any employer securing compensation in accordance with the provisions of 33 U.S.C. 932(a)(2) and with these regulations.

§ 703.302 Application for authority to become a self-insurer; how filed; information to be submitted; other requirements.

Application for authority to become a self-insurer may be made by any employer desiring such privilege and shall be addressed to the Office and be made on a form provided by the Office. Such application shall contain: (a) A statement of the employer's payroll report for the preceding 12 months; (b) A statement of the average number of employees engaged in employment within the purview of the LHWCA or any of its extensions for the preceding 12 months; (c) A statement of the number of injuries to such employees resulting in disability of more than 7 days duration, or in death, during each of 3 years next preceding the date of the application; (d) An itemized statement of the assets and liabilities of the employer; (e) A description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees. The Office may in its discretion require the applicant to submit such further information or such evidence as the Office may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application over his typewritten name and official designation and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the national office in Washington, D.C. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein.

§ 703.303 Decision upon application of employer; deposit of negotiable securities or indemnity bond.

The decision of the Office to grant an application of an employer for authority to pay compensation under said Act as a self-insurer will be transmitted to the applicant on a form prescribed by the Office. Such grant shall be conditioned upon a deposit of security in the form of an indemnity bond or of negotiable securities in an amount fixed by the Office, and the execution and filing of an agreement and undertaking in the form prescribed by the Office, as required by § 703.304.

§ 703.304 Filing of agreement and undertaking.

The applicant for the privilege of self-insurance shall as a condition precedent to receiving authorization to act as a self-insurer, execute and file with the Office an agreement and undertaking in a form prescribed and provided by the Office in which the applicant shall agree: (a) To pay when due, as required by the provisions of said Act, all compensation payable on account of injury or death of any of its employees injured within the purview of said Act; (b) in such cases to furnish medical, surgical, hospital, and other attendance, treatment and care as required by the provisions of said Act; (c) to deposit with the Office an indemnity bond in the amount which the Office shall fix, or to deposit negotiable securities as provided for by the regulations in this part in the amount which the Office shall fix, accordingly as elected in the application; (d) to authorize the Office to sell such negotiable securities so deposited or any part thereof and from the proceeds thereof to pay such compensation, medical, and other expenses and any accrued penalties imposed by law as it may find to be due and payable.

§ 703.305 Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.

The applicant for the privilege of self-insurance, as a condition precedent to receiving authorization to act as a self-insurer, shall give security for the payment of compensation and the discharge of all other obligations under the said Act, in the amount fixed by the Office, which may be in the form of an indemnity bond with sureties satisfactory to the Office, or of a deposit of negotiable securities as provided in the regulations in this part. The amount of such security so to be fixed and required by the Office shall be such as the Office shall deem to be necessary and sufficient to secure the performance by the applicant of all obligations imposed upon him as an employer by the Act. In fixing the amount of such security the Office will take into account the financial standing of the employer, the nature of the work in which he is engaged, the hazard of the work in which the employees are employed, the payroll exposure, and the accident experience as shown in the application and the Office's records, and any other facts which the Office may deem pertinent. Additional security may be required at any time in the discretion of the Office. The indemnity bond which is required by these regulations shall be in such form, and shall contain such provisions, as the Office may prescribe: *Provided*, That only corporations may act as sureties on such indemnity bonds. In each case in which the surety on any such bond is a surety company, such company must be one approved by the U.S. Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies.

§ 703.306 Kinds of negotiable securities which may be deposited; conditions of deposit; acceptance of deposits.

An applicant for the privilege of self-insurance electing to deposit negotiable securities to secure his obligations under said Act in the amount fixed by the Office under the regulations in this part shall deposit any negotiable securities acceptable as security for the deposit of public monies of the United States under regulations issued by the Secretary of the Treasury. (See 31 CFR 203.7 and 203.8.) The approval, valuation, acceptance, and custody of such securities is hereby committed to the several Federal Reserve Banks and the Treasurer of the United States when authorized under the regulations in this part to receive deposits of such securities.

§ 703.307 Deposits of negotiable securities with Federal Reserve banks or the Treasurer of the United States; authority to sell such securities; interest thereon.

Deposits of securities provided for by the regulations in this part shall be made with any Federal Reserve bank or any branch of a Federal Reserve bank designated by the Office, or the Treasurer of the United States, and shall be held subject to the order of the Office with power in the Office, in its discretion in the event of default by the said self-insurer, to collect the interest and the principal as they may become due, to sell the securities or any of them as may be required to discharge the obligations of the self-insurer under said Act and to apply the proceeds to the payment of any compensation or medical expense for which the self-insurer may be liable. The Office may, however, whenever it deems it unnecessary to resort to such securities for the payment of compensation, authorize

the self-insurer to collect interest on the securities deposited by him.

§ 703.308 Substitution and withdrawal of negotiable securities.

No substitution or withdrawal of negotiable securities deposited by a self-insurer shall be made except upon authorization by the Office. A self-insurer discontinuing business, or discontinuing operations within the purview of said Act, or providing security for the payment of compensation by insurance under the provisions of said Act may apply to the Office for the withdrawal of securities deposited under the regulations in this part. With such application shall be filed a sworn statement setting forth: (a) A list of all outstanding cases in each compensation district in which compensation is being paid, with the names of the employees and other beneficiaries, giving a description of causes of injury or death, and a statement of the amount of compensation paid; (b) a similar list of all pending cases in which no compensation has as yet been paid; and (c) a similar list of all cases in which injury or death has occurred within 1 year prior to such application or in which the last payment of compensation was made within 1 year prior to such application. In such cases withdrawals may be authorized by the Office of such securities as in the opinion of the Office may not be necessary to provide adequate security for the payment of outstanding and potential liabilities of such self-insurer under said Act.

§ 703.309 Increase or reduction in the amount of indemnity bond or negotiable securities.

Whenever in the opinion of the Office the principal sum of the indemnity bond filed or the amount of negotiable securities deposited by a self-insurer is insufficient to afford adequate security for the payment of compensation and medical expenses under said Act, the self-insurer shall, upon demand by the Office, file such additional indemnity bond or deposit under the regulations in this part such additional amount of negotiable securities as the Office may require. At any time upon application of a self-insurer, or on the initiative of the Office, when in its opinion the facts warrant, the principal sum of an indemnity bond required to be given or the amount of negotiable securities required to be deposited may be reduced. A self-insurer seeking such reduction shall furnish such information as the Office may request relative to his current affairs, the nature and hazard of the work of his employees, the amount of the payroll of his employees engaged in maritime employment within the purview of the said Act, his financial condition, his accident experience, and such other evidence as may be deemed material, including a record of payments of compensation made by him.

§ 703.310 Reports required of self-insurers; examination of accounts of self-insurer.

At such times as the Office may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(a) A sworn itemized statement of the self-insurer's assets and liabilities, or a balance sheet.

(b) A sworn statement showing by classifications the payroll of employees of the self-insurer who are engaged in employment within the purview of the LHWCA or any of its extensions.

(c) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.

Whenever it deems it to be necessary, the Office may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Office by self-insurer or verifying any information furnished to the Office in any report required by this section, or any other section of the regulations in this part, and such self-insurer shall permit the Office or its duly authorized representative to make such an inspection or examination as the Office shall require. In lieu of this requirement the Office may in its discretion accept an adequate report of a certified public accountant.

§ 703.311 Period of authorization as self-insurer; renewals.

No initial authorization as a self-insurer shall be granted for a period in excess of 18 months, and the expiration date thereof shall fall on the 30th day of June. A self-insurer who has made an adequate deposit of negotiable securities as required by the Office under the regulations in this part will be reauthorized for the ensuing fiscal year without additional security if the Office finds that his experience as a self-insurer warrants such action. A self-insurer who currently has on file an indemnity bond, will receive from the Office on or about May 10 of each year a bond form for execution in contemplation of reauthorization, and the submission of such bond duly executed in the amount indicated by the Office will be deemed and treated as such self-insurer's application for reauthorization for the ensuing fiscal year; the privilege of such self-insurer will, however, terminate with the termination of his current authorization unless such duly executed indemnity bond be submitted not later than June 30.

§ 703.312 Revocation of privilege of self-insurance.

The Office may for good cause shown suspend or revoke the authorization of any self-insurer. Failure by a self-insurer to comply with any provision or requirement of law or of the regulations in this part, or with any lawful order or communication of the Office, or the failure or insolvency of the surety on his indemnity bond, or impairment of financial responsibility of such self-insurer, shall be deemed good cause for such suspension or revocation.

ISSUANCE OF CERTIFICATES OF COMPLIANCE

§ 703.501 Issuance of certificates of compliance.

Every employer who has secured the payment of compensation as required by 33 U.S.C. 932 and by the regulations in this part may request a certificate from the deputy commissioner in the compensation district in which he has operations, and for which a certificate is required by 33 U.S.C. 937, showing that such employer has secured the payment of compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photocopies of such a certificate made for use in different places within the compensation district. Two forms of such certificates have been provided by the Office, one form for use where the employer has obtained insurance generally under these regulations, and one for use where the employer has been authorized as a selfinsurer.

§ 703.502 Same; employer operating temporarily in another compensation district.

A deputy commissioner receiving a report of the issuance of a policy of insurance with the notation authorized by § 703.119, will file such report until he receives from the insured employer named therein a request for certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.

§ 703.503 Return of certificates of compliance.

Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of law and these regulations, or the revocation or termination of the privilege of self-insurance granted by the Office, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer holding certificate of compliance under an insurance policy which has expired, pending renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal of insurance upon the expiration of policy under said Act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.

PART 704—SPECIAL PROVISIONS FOR LHWCA EXTENSIONS

Sec.
704.001 Extensions covered by this part.
704.002 Scope of part.

DEFENSE BASE ACT

704.101 Administration; compensation districts.
704.102 Commutation of payments to aliens and nonresidents.
704.103 Removal of certain minimums when computing or paying compensation.
704.151 DBA endorsement.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

704.201 Administration; compensation districts.
704.251 DCCA endorsement.

OUTER CONTINENTAL SHELF LANDS ACT

704.301 Administration; compensation districts.
704.351 OCSLA endorsement.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

704.401 Administration; compensation districts.
704.451 NFIA endorsement.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq.; 36 District of Columbia Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13–71, 36 F.R. 8755.

§ 704.001 Extensions covered by this part.

(a) Defense Base Act (DBA).

(b) District of Columbia Workmen's Compensation Act (DCCA).

(c) Outer Continental Shelf Lands Act (OCSLA).

(d) Nonappropriated Fund Instrumentalities Act (NFIA).

§ 704.002 Scope of part.

The regulations governing the administration of the LHWCA as set forth in Parts 702 and 703 of this subchapter govern the administration of the LHWCA extensions (see § 704.001) in nearly every respect, and are not repeated in this Part 704. Such special provisions as are necessary to the proper administration of each of the extensions are set forth in this Part 704. To the extent of any inconsistency between regulations in Parts 702 and 703 of this subchapter and those in this Part 704, the latter supersedes those in Parts 702 and 703 of this subchapter.

DEFENSE BASE ACT

§ 704.101 Administration; compensation districts.

For the purpose of administration of this Act areas assigned to the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in Part 702 of this subchapter shall be extended in the following manner to include:

(a) Canada, east of the 75th degree west longitude, Newfoundland, and Greenland are assigned to District No. 1.

(b) Canada, west of the 75th degree and east of the 110th degree west longitude, is assigned to District No. 10.

(c) Canada, west of the 110th degree west longitude, and all areas in the Pacific Ocean north of the 45th degree north latitude are assigned to District No. 14.

(d) All areas west of the continents of North and South America (except coastal islands) to the 60th degree east longitude, except for Iran, are assigned to District No. 15.

(e) Mexico, Central and South America (including coastal islands); areas east of the continents of North and South America to the 60th degree east longitude, including Iran, and any other areas or locations not covered under any other district office, are assigned to District No. 2.

§ 704.102 Commutation of payments to aliens and nonresidents.

Authority to commute payments to aliens and nonnationals who are not residents of the United States and Canada, section 2(b) of the Defense Base Act, 42 U.S.C. 1652(b), though separately stated in this Act, is identical in language to section 9(g) of the Longshoremen's Act. Thus, except for the different statutory citation, the LHWCA Act regulation at § 702.142 shall apply.

§ 704.103 Removal of certain minimums when computing or paying compensation.

The minimum limitation on weekly compensation for disability established by section 6 of the LHWCA, 33 U.S.C. 906, and the minimum limit on the average weekly wages on which death benefits are to be computed under section 9 of the LHWCA, 33 U.S.C. 909, shall not apply in computing compensation and death benefits under this Act; section 2(a), 42 U.S.C. 1652(a).

§ 704.151 DBA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ----------

The obligations of the policy include the Longshoremen's and Harbor Worker's Compensation Act, as extended by the provisions of the Defense Base Act, and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of said Acts and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

§ 704.201 Administration; compensation districts.

For the purpose of administration of this Act, the District of Columbia shall be the compensation district and is designated as District No. 40.

§ 704.251 DCCA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy, used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. -------

The obligations of the policy include the District of Columbia Workmen's Compensation Act, and the applicable provisions of the Longshoremen's and Harbor Workers' Compensation Act, and all laws amendatory of either of said Acts or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said District of Columbia Workmen's Compensation Act and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said act.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner for the District of Columbia, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

OUTER CONTINENTAL SHELF LANDS ACT

§ 704.301 Administration; compensation districts.

For the purpose of administration of this act, the compensation districts established under the Longshoremen's and Harbor Workers' Compensation Act as set forth in part 702 of this subchapter shall administer this act, and their jurisdiction for this purpose is extended, where appropriate, to include those parts of the Outer Continental Shelf adjacent

to the State or States in such districts having adjacent shelf areas.

§ 704.351 OCSLA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. _____.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Outer Continental Shelf Lands Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said laws and all the lawful rules, regulations, orders and decisions of the Office of Workmen's Compensation Programs, Department of Labor, until set aside, modified, or reversed by appropriate appellate authority as provided for by said acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

§ 704.401 Administration; compensation districts.

For the purpose of administration of this act within the continental United States, Hawaii, and Alaska, the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in part 702 are established as the administrative districts under this act. For the purpose of administration of this act outside the continental United States, Alaska, and Hawaii, the compensation districts established for such overseas administration of the Defense Base Act as set forth in § 704.101 are established as the administrative districts under this act.

§ 704.451 NFIA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. _____.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Nonappropriated Fund Instrumentalities Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said acts and all the lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Office, to the Deputy Commissioner, and to the within named employer.

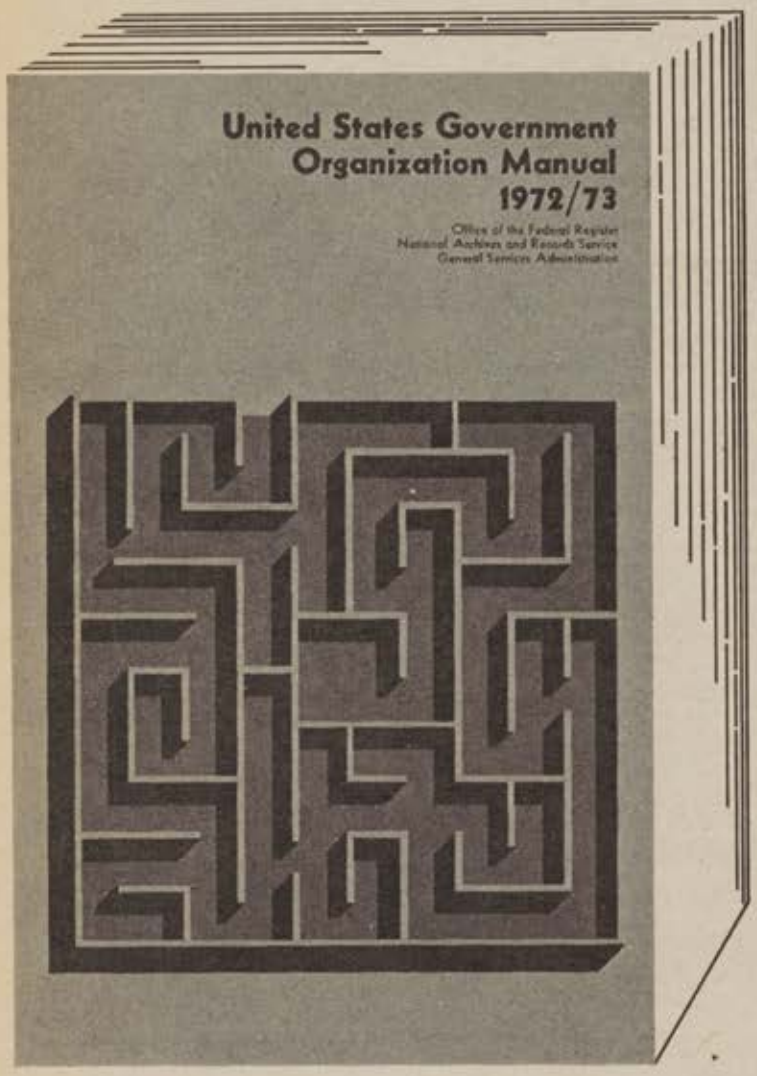
All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

Signed at Washington, D.C., this 18th day of January 1973.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.73-1416 Filed 1-24-73;8:45 am]

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.

$3.00 per copy.
Paperbound, with charts

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons). Please send me ..... copies of the UNITED STATES GOVERNMENT ORGANIZATION MANUAL, 1972/73, *at $3.00 per copy. (Catalog No. GS 4.109:972) (Stock No. 2203–0035)*

Please charge this order to my Deposit Account No. .....

Name .....

Street address .....

City and State ..... *ZIP Code* .....

For Use of Supt. Docs.
Enclosed .....
To be mailed later .....
Subscription .....
Refund .....
Coupon refund .....
Postage .....