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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-EA-74, Amdt. 39-1498]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing-Vertol Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Boeing-Vertol 107-II type rotorcraft.

There has been a report of a finding that a collector gear in a 107-II helicopter was cracked as a result of fatigue originating at one of the internal spline roots. An investigation disclosed that the spline root radius did not conform to the specifications and a condition of mixed microstructure was also apparent. Since the foregoing deficiency can exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires inspection, replacement when necessary, and shot peening of the collector gears. It will also require additional maintenance to the planet carrier retention nut in the aft transmission.

Since the foregoing affects air safety, expeditious adoption of the AD is required. Thus, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING-VERTOL. Applies to Model 107-II helicopters certificated in all categories. Compliance required as indicated below:

To prevent failure of the aft transmission collector gear and to prevent separation of the aft transmission planetary carrier retention nut, either of which may cause dephasing of the main rotors, accomplish the following:

a. Within the next 15 hours in service after the effective date of this AD, unless already accomplished, inspect for cracks and flat spline root radii and shot peen internal splines of serial number designated collector gears P/N 107D2066-10 or -12 or -14 and change part number identification in accordance with Accomplishment Instructions Parts I and II of Boeing-Vertol Service Bulletin No. A107-318R-1 dated June 19, 1972, or equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. All other serial numbered collector gears shall be inspected and shot peened at the next transmission overhaul or within 800 hours, whichever comes first.

b. Within 50 hours time in service after last retorquing of planet carrier retention nut, unless already accomplished, loosen, retorque, and install lock pins in the aft transmission planetary carrier retention nut (P/N 107D1276-7, VS10304-39, or BACN10-GR39) and mark transmission nameplate in accordance with Accomplishment Instructions Parts I and III of Boeing-Vertol Service Bulletin No. A107-317 dated January 12, 1972, or equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective August 11, 1972.

(Secs. 318(a), 601, 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 28, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-12202 Filed 8-3-72;8:50 am]

[Airworthiness Docket No. 72-WE-14-AD, Amdt. 39-1497]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369A and 369H Series Helicopters

The Hughes Tool Co., Aircraft Division, has advised the agency of the results of a test program on various components within the tail rotor gearbox on Hughes Model 369A and 369H series helicopters. The program establishes a component finite life on certain parts. Further, the parts involved require additional identification in the appropriate records to avoid possible inadvertent operation beyond the finite life limit. While no service failure has been reported to the agency, the fleet is, in some cases, approaching, or may have reached the retirement limit established by the test program. Continued operation under these circumstances could lead to a failure resulting in loss of directional control.

Since this condition exists or is likely to develop in the tail rotor gearboxes of the same type design, an airworthiness directive is being issued to require revision of the helicopter logbook by way of certain record entries, and retirement, and replacement of input gearshaft assemblies.

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

HUGHES. Applies to Hughes Model 369A and 369H Series Helicopters certificated in all categories.

Compliance required as indicated.

To prevent possible failure of the input gearshaft assembly, accomplish the following:

(a) For those helicopters incorporating tail rotor input gearshaft assemblies (see NOTE for P/N's) which have accumulated 2,000 hours' or more time in service on the effective date of this AD, accomplish (c) and (d), below, unless already accomplished, prior to further flight.

(b) For those helicopters incorporating tail rotor input gearshaft assemblies (see NOTE for P/N's) which have accumulated 1,800 hours' or more time in service on the effective date of this AD, accomplish (c) and (d), below, within 100 hours' additional time in service, unless already accomplished. If the additional time in service would result in a total time in service in excess of 2,000 hours, the 100 hours' compliance time shall be reduced by that amount necessary to prevent any tail rotor input gearshaft assemblies from being operated beyond 2,000 hours before accomplishment of this AD.

(c) Revise the helicopter logbook, as applicable, to record both the input and the output gearshaft assemblies incorporated in the 369A5406 tail rotor gear set, per the instructions of Part I of Hughes Service Information Notice No. HN-53, dated July 24, 1972, or later FAA approved revisions.

(d) Retire and replace the 369A5425 and 369A5425-3 input gearshaft assemblies (input part of 369A5406 gearset), per the instructions of Part II of Hughes Service Information Notice No. HN-53, dated July 24, 1972, or later FAA approved revisions. Owners and operators may exercise the options specified in Part II of the notice.

NOTE: The part number assemblies and finite life are:

Tail Rotor Input Gearshaft Assembly:

	Finite Life
P/N 369A5406 (input only)	1,800 hours
P/N 369A5425, -3	1,800 hours
P/N 369A5425-5	27,600 hours

NOTE: The P/N 369A5406 tail rotor gearset is comprised of an input gearshaft assembly and a pinion output gearshaft assembly. The finite life of all existing pinion output gearshaft assemblies remains unchanged at 2,940 hours.

This amendment becomes effective August 8, 1972.

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

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Hughes Tool Co., Aircraft Division, Customer Service Department, Culver City, Calif. 90230. These documents may

also be examined at FAA Western Region Headquarters, 5651 West Manchester Avenue, Los Angeles, CA, and at FAA Headquarters, 800 Independence Avenue SW., Washington, DC. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Headquarters.

Issued in Los Angeles, Calif. on July 27, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-12203 Filed 8-3-72;8:50 am]

[Docket No. 11437, Amdts. 43-15, 61-59, 91-101, 135-33]

PART 43—MAINTENANCE, PREVENTATIVE MAINTENANCE, REBUILDING, AND ALTERATIONS

PART 61—CERTIFICATION; PILOTS AND FLIGHT INSTRUCTORS

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Large and Turbine-Powered Multiengine Airplanes

Correction

In F.R. Doc. 72-11424 appearing at page 14758 of the issue for Tuesday, July 25, 1972, in the 15th paragraph, which begins at the bottom of the first column on page 14760, insert "of an aircraft by either party to the lease" after the penultimate line in the paragraph.

[Airspace Docket No. 72-GL-23]

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

Designation of Transition Area

On page 9676 of the FEDERAL REGISTER dated May 16, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lake Geneva, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 12, 1972.

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

Issued in Des Plaines, Ill., on July 18, 1972.

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

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

LAKE GENEVA, WIS.

That airspace extending upward from 700 feet above the surface within an 8-statute-mile radius of the Playboy Airport (latitude 42°36'53" N., longitude 88°23'27" W.).

[FR Doc.72-12204 Filed 8-3-72;8:50 am]

[Docket No. 12114, Amdt. 823]

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 (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's 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 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 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's changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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 establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective September 14, 1972.

Astoria, Oreg.—Clatsop County Airport; VOR Runway 13, Amdt. 10; Revised.

Brewton, Ala.—Brewton Municipal Airport; VOR Runway 30, Amdt. 1; Revised.

Bridgeville, Pa.—Campbell Airport; VOR Runway 31, Amdt. 1; Revised.

Dillingham, Alaska—Dillingham Airport; VOR Runway 1, Amdt. 3; Revised.

Dillingham, Alaska—Dillingham Airport; VOR/DME Runway 19, Original; Established.

Ely, Minn.—Ely Municipal Airport; VOR Runway 12, Original; Established.

Ely, Minn.—Ely Municipal Airport; VOR Runway 30, Original; Established.

Hattiesburg, Miss.—Hattiesburg Municipal Airport; VOR Runway 13, Amdt. 4; Revised.

Jackson, Miss.—Allen C. Thompson Field; VOR/DME Runway 33L, Amdt. 7; Revised.

Jackson, Miss.—Allen C. Thompson Field; VOR/DME Runway 33R, Amdt. 10; Revised.

Kennedy, Tex.—Karnes County Airport; VOR/DME-A, Original; Established.

Lakeland, Fla.—Lakeland Municipal Airport; VOR-A, Original; Established.

Lakeland, Fla.—Lakeland Municipal Airport; VOR Runway 4, Amdt. 2; Revised.

LaVerne, Calif.—Bracket Field; VOR-A, Amdt. 2; Revised.

Moberly, Mo.—Omar N. Bradley Airport; VOR/DME Runway 17, Original; Established.

North Bend, Oreg.—North Bend Municipal Airport; VOR A, Amdt. 1; Revised.

North Bend, Oreg.—North Bend Municipal Airport; VOR/DME Runway 4, Amdt. 5; Revised.

North Myrtle Beach, S.C.—Myrtle Beach Airport; VOR Runway 5, Amdt. 4; Revised.

North Myrtle Beach, S.C.—Myrtle Beach Airport; VOR Runway 23, Amdt. 6; Revised.

Old Town, Maine—Dewitt Field, Old Town Municipal Airport; VOR-A, Amdt. 6; Revised.

Old Town, Maine—Dewitt Field, Old Town Municipal Airport; VOR/DME Runway 23, Amdt. 2; Revised.

Olympia, Wash.—Olympia Airport; VOR Runway 17, Amdt. 1; Revised.

Olympia, Wash.—Olympia Airport; VOR/DME Runway 35, Amdt. 7; Revised.

Pell City, Ala.—St. Clair County Airport; VOR-A, Amdt. 2; Revised.

Raleigh, N.C.—Raleigh-Durham Airport; VOR Runway 5, Amdt. 9; Revised.

Raleigh, N.C.—Raleigh-Durham Airport; VOR Runway 23, Amdt. 10; Revised.

Rexburg, Idaho—Rexburg-Madison County Airport; VOR Runway 35, Original; Established.

Rochester, N.H.—Skyhaven Airport; VOR-A, Original; Established.

Santa Ana, Calif.—Orange County Airport; VOR Runway 1L, Amdt. 7; Revised.

Santa Ana, Calif.—Orange County Airport; VOR Runway 19R, Amdt. 13; Revised.

Tupelo, Miss.—C. D. Lemons Municipal Airport; VOR Runway 4, Amdt. 4; Revised.

Tuscaloosa, Ala.—Van De Graaff Airport; VOR Runway 4, Amdt. 1; Revised.

Tuscaloosa, Ala.—Van De Graaff Airport; VOR Runway 22, Amdt. 5; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective September 14, 1972.

Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; LOC (BC) Runway 27R, Amdt. 2; Revised.

Jackson, Miss.—Allen C. Thompson Field; LOC (BC) Runway 33R, Amdt. 5; Revised.

Pensacola, Fla.—Pensacola Regional Airport; LOC (BC) Runway 34, Amdt. 4; Revised.

Reedsville, Pa.—Mifflin County Airport; LOC Runway 6, Original; Established.

Santa Ana, Calif.—Orange County Airport; LOC (BC) Runway 1L, Amdt. 3; Revised.

San Ana, Calif.—Orange County Airport; LOC Runway 19R, Amdt. 4; Revised.
Seattle, Wash.—Boeing Field International King County Airport; LOC (BC) Runway 31L, Amdt. 2; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective August 24, 1972.

Columbia, Mo.—Columbia Regional Airport; LOC (BC) Runway 20, Original; Established.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective September 14, 1972.

Auburn-Lewiston, Maine.—Auburn-Lewiston Municipal Airport; NDB Runway 4, Amdt. 4; Revised.
Farmville, Va.—Farmville Municipal Airport; NDB Runway 3, Amdt. 1; Revised.
Greenville, S.C.—Greenville Municipal Downtown Airport; NDB Runway 36, Amdt. 13; Revised.
Hattiesburg, Miss.—Hattiesburg Municipal Airport; NDB Runway 13, Amdt. 3; Revised.
Marks, Miss.—Selfs Airport; NDB Runway 2, Amdt. 1; Revised.
McRae, Ga.—Telfair-Wheeler Airport; NDB Runway 20, Original; Established.
North Bend, Oreg.—North Bend Municipal Airport; NDB Runway 13, Amdt. 5; Revised.
Old Town, Maine.—Dewitt Field, Old Town Municipal Airport; NDB Runway 22, Amdt. 2; Revised.
Pensacola, Fla.—Pensacola Regional Airport; NDB Runway 16, Amdt. 16; Revised.
Pensacola, Fla.—Pensacola Regional Airport; NDB Runway 34, Amdt. 9; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; NDB Runway 5, Amdt. 14; Revised.
Raleight, N.C.—Raleigh-Durham Airport; NDB Runway 23, Amdt. 7; Revised.
Washington, D.C.—Washington National Airport; NDB Runway 15, Original; Established.
Washington, D.C.—Washington National Airport; NDB Runway 36, Original; Established.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective August 24, 1972.

Columbia, Mo.—Columbia Regional Airport; NDB Runway 2, Original; Established.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective July 24, 1972.

Milwaukee, Wis.—General Mitchell Field; NDB Runway 19R, Amdt. 6; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective September 14, 1972.

Everett, Wash.—Snohomish County (Paine Field) Airport; ILS Runway 16, Amdt. 12; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; ILS Runway 9L, Amdt. 5; Revised.
Fresno, Calif.—Fresno Air Terminal; ILS Runway 29R, Amdt. 20; Revised.
Greenville, S.C.—Greenville Municipal Downtown Airport; ILS Runway 36, Amdt. 18; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 35R, Amdt. 14; Revised.
Pensacola, Fla.—Pensacola Regional Airport; ILS Runway 16, Amdt. 3; Revised.
Pendleton, Oreg.—Pendleton Municipal Airport; ILS Runway 25R, Amdt. 15; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; ILS Runway 5, Amdt. 15; Revised.
Santa Ana, Calif.—Orange County Airport; ILS Runway 19R, Amdt. 3; Revised.
Yakima, Wash.—Yakima Municipal Airport; ILS Runway 27, Amdt. 18; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective August 24, 1972.

Columbia, Mo.—Columbia Regional Airport; ILS Runway 2, Amdt. 1; Revised.

9. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective September 14, 1972.

Birmingham, Ala.—Birmingham Municipal Airport; Radar-1, Amdt. 12; Revised.
Chapel Hill, N.C.—Horace Williams Airport; Radar-1, Original; Established.
Greenville, S.C.—Greenville Municipal-Downtown Airport; Radar-1, Amdt. 6; Revised.
Pensacola, Fla.—Pensacola Regional Airport; Radar-1, Amdt. 1; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; Radar-1, Original; Established.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective July 20, 1972.

Boston, Mass.—General Edward Lawrence Logan International Airport; Radar-1, Amdt. 19; Canceled.

(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 July 27, 1972.

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

NOTE: In corporation 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.72-12119 Filed 8-3-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Miscellaneous Amendments

The Guides for Advertising Allowances and other Merchandising Payments and Services have been amended as follows, which amendments become effective August 4, 1972:

Amendment 1. The following example has been deleted from § 240.5(a) reading: "Special sales or promotional efforts for which 'push money' is paid to clerks, salesmen, and other employees of the customers;" So amended § 240.5 (a) reads as follows:

§ 240.5 What are services or facilities?

* * * * *

(a) * * *

Any kind of advertising, including cooperative advertising;
Handbills;
Window and floor displays;
Demonstrators and demonstrations.

* * * * *

Amendment 2. Examples 7 and 8 have been added to § 240.7 as follows:

§ 240.7 Proportionally equal terms.

* * * * *

Example 7: A seller should not offer to pay a straight-line rate for advertising if such payment results in a discrimination between competing customers: e.g., the offer of $1 per line for advertising in a newspaper that charges competing customers different amounts for the same advertising space.

(The straight-line rate for advertising is an acceptable method for allocation of advertising funds, if the seller offers an alternative to retailers that pay more than the lowest newspaper rate which enables small retailers to obtain the same percent of the cost of advertising as large retailers. Example: A manufacturer's straight-line rate of payment of $1 per line is based on 50 percent of the newspaper's lowest contract rate of $2 per line. The manufacturer should offer to pay 50 percent of the newspaper advertising cost of the smaller retailers who established by invoice or otherwise that they paid more than the lowest contract rate of $2 per line for advertising.)

Example 8: A seller should not refuse to participate in the cost of ads that feature prices other than the seller's suggested prices. (See § 240.9.)

Amendment 3. The last two sentences in parentheses have been added to Example 5 of § 240.8(b). So amended, Example 5 reads as follows:

§ 240.8 Seller's duty to inform.

* * * * *

(b) * * *

Example 5: A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspaper advertisements, for example). The seller may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler or other intermediary by written agreement with a retailer is actually authorized to collect promotional payments from suppliers, the seller may assume that notice of, and payment under, a promotional plan to such wholesaler or intermediary constitutes notice and payment to the retailer. (A seller should not rely on a written agreement authorizing an intermediary to receive notice of and/or payment under a promotional plan for a retailer, if the seller knows, or should know, that the retailer was coerced into signing the agreement. In addition, a seller should assume that an intermediary is not authorized to receive notice of an/or payment under a promotional plan for a retailer unless there is a written authorization signed by such retailer.)

* * * * *

Amendment 4. Examples 1 and 2 of § 240.9 have been reworded to read as follows:

§ 240.9 Availability to all competing customers.

* * * * *

Example 1: A manufacturer offers a plan of short-term store displays[2] of varying sizes, including some which are suitable for each of his competing customers and at the same time are small enough so that each customer may make use of the promotion in a practical business sense. The plan also calls for uniform, reasonable certification of performance by the retailer. Because they are reluctant to process a reasonable amount of paperwork, some small retailers do not participate. This fact is not deemed to place a manufacturer in violation of § 240.9 and he is under no obligation to provide additional alternatives.

Example 2: A manufacturer offers a plan for cooperative advertising on radio, TV, or in newspapers of general circulation.[3] Because the purchases of some of his customers are too small this offer is not "functionally available" to them. The manufacturer should offer them alternative(s) on proportionally equal terms that are usable by them and suitable for their business.

* * * * *

Amendment 5. § 240.11(b) has been reworded as follows:

§ 240.11 Checking customer's use of payments.

* * * * *

(b) A seller, who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the Act. Also, a seller who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of § 240.13 shall be deemed to have satisfied this obligation. If a seller has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost or approximate cost, if the actual cost is not known, of services performed by him shall not alone be deemed to place a seller in violation of the Act. (When customers may have different but closely related cost in furnishing services that are difficult to determine, such as the cost for distributing coupons from a bulletin board or using a window banner, the seller may furnish to each customer the same payment if it has a reasonable relationship to the cost of providing the service or is not grossly in excess thereof.)

* * * * *

Amendment 6. The first paragraph of § 240.14 has been reworded and a new example 7 has been added to the section as follows:

§ 240.14 Customer's liability.

Sections 2 (d) and (e) apply to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition. Also, retailers that make unauthorized deductions from purchase invoices for alleged advertising or other promotional allowances may be proceeded against under section 5 of the FTC Act and/or, under some circumstances, section 2(f) of the amended Clayton Act.

* * * * *

Example 7: A customer should not induce or receive an allowance in excess of that offered in the seller's advertising plan by billing the seller at "vendor rates" or for any other amount in excess of that authorized in the seller's promotional program.

Amendment 7. Example 2 of § 240.15 been reworded as follows:

§ 240.15 Third party liability for double billing.

* * * * *

Example 2: Newspaper A has various published rates. Retailer B is a large advertiser who in the past has earned the lowest rate. Newspaper A should not submit monthly invoices to Retailer B at a high rate agreed to by the parties unless the invoice discloses that Retailer B may receive a rebate, and a statement as to the amount or approximate amount of the rebate, if known, and if not known, the amount of rebate Retailer B could reasonably anticipate.

* * * * *

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 4, 1972.

By direction of the Commission.

[SEAL] VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.72-12194 Filed 8-3-72;8:46 am]

[2] Allowances that have little or no relationship to cost or approximate cost of the service provided by the retailer may be considered to be in violation of section 2(d) or subject to the prohibitions of section 2(a) of the amended Clayton Act, such as an allowance of $1 per case of goods purchased if the retailer furnishes a display or provides specific shelf space, or a promotional allowance of 10 percent of purchases during a specific period of time if the retailer places an ad of at least 3 column inches in a newspaper. In addition, a customer that induces such allowances may be proceeded against under section 5 of the Federal Trade Commission Act. Also, the purchase of display or shelf space, whether directly or by means of so-called allowances, may be considered an "unfair method of competition" in violation of section 5 of the Federal Trade Commission Act.

[3] In order to avoid the tailoring of promotional programs that discriminate against particular customers or class of customers, the seller in offering to pay allowances for newspaper advertising should offer to pay the same percent of the cost of newspaper advertising for all competing customers in a newspaper of the customer's choice, or at least in those newspapers that meet the requirements for second-class-mail privileges. Examples of promotional plans that may discriminate against small retailers are: (1) A plan that offers to pay 75 percent of the cost of advertising in daily newspapers, which are the regular advertising media of the seller's large or chain store customers, and only 50 percent of the cost of advertising in other newspapers that may be used by small retail customers; and (2) a plan that pays allowances for advertising in daily newspapers, which are the regular advertising media of the seller's large or chain store customers, but does not pay allowances for advertising in semiweekly, weekly, or other newspapers that may be desirable by small retail customers, who are offered, as an alternative to advertising in daily newspapers, services such as envelope stuffers, handbills, window banners, etc. (see § 240.7.)

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 72-206]

PART 153—ANTIDUMPING

Cadmium From Japan

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that cadmium from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of March 24, 1972 (37 F.R. 6121, F.R. Doc. 72-4628).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on June 23, 1972, it notified the Secretary of the Treasury that an industry is being injured by reason of the importation of cadmium from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of June 29, 1972 (37 F.R. 12875, F.R. Doc. 72-9881).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to cadmium from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T. D.
Cadmium	Japan	72-200

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

JULY 27, 1972.

[FR Doc.72-12231 Filed 8-3-72;8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-015V) filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing the safe and effective use of varying levels of levamisole hydrochloride (equivalent) in cattle feed supplements for use as an anthlemintic, and to permit this use of the drug in meal feeds as well as pelleted feeds. The dosage level per pound of body weight is not changed from that now provided for in the regulations. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by revising item 1 in the columns "Grams per pound" and "Limitations" in the table in § 135e.59 (f), as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

* * * * *

(f) * * *

Principal ingredient	Grams per pound	Limitations	Indications for use
* * *	0.36-3.6 (0.08%-0.8%)	For cattle, withhold feed from cattle overnight, then administer medicated feed mixed thoroughly in one half the daily ration the following morning; when medicated feed is consumed resume normal feeding; medicated feed is to be fed at the rate of 0.36 gram of levamisole hydrochloride (equivalent) per 100 lbs. of body weight; conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; consult veterinarian before using in severely debilitated animals; do not administer to dairy animals of breeding age; for use in pelleted or meal feeds only; the label shall bear the warning, "muzzle foam may be observed. However, this reaction will disappear within a few hours. If this condition persists, a veterinarian should be consulted. Follow recommended dosage carefully."	* * *
* * *	* * *	* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-4-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 17, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-12096 Filed 8-3-72;8:45 am]

PART 149h—POTASSIUM PHENOXYMETHYL PENICILLIN

Correction

In F.R. Doc. 71-10079 appearing on page 13206 of the issue of Friday, July 16, 1971, in § 149h.11(b)(1)(ii)(*a*), the figure in the fifth line, now reading "0.1" should read "1.0".

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 21)]

PART 1048—COMMERCIAL ZONES

Controlling Distances and Population Data; Wilmington, Del.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of July 1972.

It appearing, that in No. MC-C-6905, Mercer Motor Freight, Inc.—Investigation, 114 M.C.C. 447, this Commission instituted the above-cited rule making proceeding (1) to inquire into the present status of the commercial zone of Wilmington; (2) to interpret certificates, permits, and licenses authorizing service at Wilmington; (3) to define the limits of the commerical zone of Wilmington, if necessary; and (4) to take such other and further action as the facts and circumstances may justify or require;

It further appearing, that the proceeding in No. MC-C-6905 was held open pending the determination in the above-cited Ex Parte proceeding;

It further appearing, that written statements of facts, views, and arguments on the subjects mentioned in the first appearing paragraph were filed by the Bureau of Enforcement, Interstate Commerce Commission, Mercer Motor Freight, Inc., and certain interested motor carriers;

And it further appearing, that investigation of the matters and things involved in these proceedings having been made, and the Commission having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That Part 1048 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

Amend § 1048.102(b) to read as follows:

§ 1048.102 Controlling distances and population data.

* * * * *

(b) The population of any municipality shall be deemed to be the highest figure shown for that municipality in any decennial census since (and including) the 1940 decennial census.

It is further ordered, That the proceeding in No. MC-C-6905 be, and it is hereby, discontinued.

It is further ordered, That this order shall become effective on September 11, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12224 Filed 8-3-72;8:52 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

[Docket No. R-72-205]

PART 270—LOAN AND GRANT ASSISTANCE FOR PLANNING AND MAKING FEASIBLE HOUSING PROJECTS IN APPALACHIA

Pursuant to the authority contained in the Appalachian Regional Development Act of 1965, as amended (79 Stat. 5; 40 U.S.C. App. 1 et seq.), notice is hereby given that the Department of Housing and Urban Development has revised Part 270 of Chapter II of Title 24 of the Code of Federal Regulations to implement section 207(c) of the Act which authorizes the Secretary of the Department of Housing and Urban Development to make grants and commitments for grants to nonprofit organizations and public bodies for reasonable site development costs and necessary offsite improvements whenever such a grant is essential to the economic feasibility of a low- and moderate-income housing project developed under section 221, 235, or 236 of the National Housing Act in the Appalachian Region. Further minor changes have been made to incorporate other 1971 amendments to the Act.

The revision to Part 270 divides the part into three subparts—one covering

rules applicable to both the "seed money" loan and grant and "project feasibility" grant programs with the other two subparts containing rules applicable to each of the respective programs. Subparts A and B utilize existing §§ 270.1–270.30 with some additions and the Subpart C is composed of new sections to cover the "project feasibility" grant program.

The Secretary has determined that the public interest would best be served by making these revisions effective immediately so as to avoid unnecessary delay in implementing the "project feasibility" grant program. An urgent need exists to make these funds available so that numerous projects in the Appalachia Region can be started. For these reasons, the Secretary finds that it is impracticable to provide for normal comment and public procedure with respect to this revision, and good cause exists for making these regulations effective upon publication in the FEDERAL REGISTER.

The revision is set out in full below.

Subpart A—General

Sec.
270.1 Statement of applicable law.
270.3 Delegation from Secretary to Assistant Secretary—Federal Housing Commissioner.
270.5 Definitions.

Subpart B—"Seed Money" Loans and Grants

270.7 Scope of assistance.
270.10 Location of proposed project.
270.13 Filing, processing and approving loan applications.
270.15 Eligible applicants.
270.17 Use of loan proceeds.
270.20 Maximum amount of loan.
270.23 Maturity of loans—contract provisions.
270.25 Interest on loans.
270.27 Waiver of loan repayment.
270.30 Maximum amount of waiver of loan repayment.

Subpart C—"Project Feasibility" Grants

270.40 Scope of assistance.
270.43 Location of projects constructed with grant assistance.
270.46 Application, processing and funding procedure.
270.49 Eligible applicant.
270.52 Use of grant proceeds.
270.55 Maximum amount of grant.
270.58 Terms and conditions of grant—Grant Contract.
270.61 Grants to public bodies.

AUTHORITY: The provisions of this Part 270 issued under section 207, 81 Stat. 257, 40 U.S.C., App. 1.

Subpart A—General

§ 270.1 Statement of applicable law.

Section 207 of the Appalachian Regional Development Act of 1965 authorizes the Secretary of Housing and Urban Development to make "seed money" loans to nonprofit, limited dividend or cooperative organizations or public bodies and to make "project feasibility" grants to nonprofit organizations and public bodies, both under such terms and conditions as he may prescribe.

§ 270.3 Delegation from Secretary to Assistant Secretary—Federal Housing Commissioner.

The Secretary has delegated to the Assistant Secretary—Federal Housing Commissioner the authority to execute the powers and functions vested in the Secretary by section 207 of the Appalachian Regional Development Act of 1965. The delegation includes the authority for the Commissioner to redelegate such authority to employees of the Department.

§ 270.5 Definitions.

As used in this part:

(a) "Act" means the Appalachian Regional Development Act of 1965, as amended.

(b) "Commission" means the Appalachian Regional Commission, its Executive Committee, or the Federal Cochairman of such commission or his authorized representative.

(c) "Commissioner" means the Assistant Secretary—Federal Housing Commissioner or his authorized representative.

(d) "Cooperative organization" means a type of nonprofit organization created as a nonprofit cooperative ownership housing corporation or trust approved by the Commissioner which restricts permanent occupancy of the project to the members of the corporation or trust and which prescribes requirements, approved by the Commissioner, for obtaining and transferring membership.

(e) "Fund" means the Appalachian Housing Fund allocated to the Secretary for carrying out the purposes of this part.

(f) "FNMA" means the Federal National Mortgage Association.

(g) "GNMA" means the Government National Mortgage Association.

(h) "Limited dividend organization" means an entity eligible as a limited distribution mortgagor under section 221 of the National Housing Act and § 221.510 (c) of this title.

(i) "Nonprofit organization" means a corporation or association (including a cooperative organization) organized for purposes other than the making of profit or gain for itself or any persons identified therewith and which the Commissioner finds is in no manner controlled or directed by persons or firms seeking to derive profit or gain from its operation.

(j) "Public body" means a Federal instrumentality, a State or political subdivision or an instrumentality thereof, which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the United States Housing Act of 1937.

(k) "Secretary" means the Secretary of Housing and Urban Development or an officer of the Department of Housing and Urban Development empowered to exercise any of the functions of the Secretary under section 207 of the Act.

(l) "Section 221" means section 221 of the National Housing Act.

(m) "Section 221 regulations" means the regulations in Part 221 of this title issued to implement section 221 of the National Housing Act.

(n) "Section 235" means section 235 of the National Housing Act.

(o) "Section 235 regulations" means the regulations in Part 235 of this title issued to implement section 235 of the National Housing Act.

(p) "Section 236" means section 236 of the National Housing Act.

(q) "Section 236 regulations" means the regulations in Part 236 of this title issued to implement section 236 of the National Housing Act.

(r) "State Representative" means the member of the Appalachian Regional Commission who represents the State in which a proposed housing project is to be located, or his authorized representative.

(s) "'Seed money' loan" means a loan made under section 207 (a) and (b) of the Act for planning and obtaining federally insured mortgage financing under section 221, 235, or 236.

(t) "'Seed money' grant" means a grant made under section 207 (a) and (c) of the Act for planning and obtaining federally insured mortgage financing under section 221, 235, or 236.

(u) "'Project feasibility' grant" means a grant made under section 207 (c)(2) of the Act for reasonable site development costs and necessary offsite improvements essential to the economic feasibility of a low- or moderate-income housing project constructed or rehabilitated under section 221, 235, or 236.

(v) "Project" means either multifamily housing developed under section 221 or 236 or a subdivision plan under which the individual houses will be insured under section 235.

Subpart B—"Seed Money" Loans and Grants

§ 270.7 Scope of assistance.

The Commissioner may make "seed money" loans or grants from the fund to provide impetus for and to facilitate the construction or rehabilitation of housing in the Appalachian Region for low and moderate-income persons. Such housing must be developed for mortgage insurance under either section 221, 235 or 236 of the National Housing Act. The conditions of eligibility for applicants and applications for loans or grants and the terms and conditions under which the proceeds of such loans and grants may be used are specified in this subpart.

§ 270.10 Location of proposed project.

The proposed project for which a loan or grant is sought shall be located in the Appalachian Region as that term is defined in section 403 of the Appalachian Regional Development Act, as amended (40 U.S.C. App. 1, section 207).

§ 270.13 Filing, processing and approving loan applications.

(a) Prior to filing an application for a loan under this subpart, an interested party shall obtain approval for such filing from the State representative. The applications shall be filed, on a form prescribed by the Commissioner, with the HUD area or insuring office having jurisdiction over the area in which the applicant proposes to construct or rehabilitate a housing project to be financed with a mortgage insured under section 221, 235 or 236.

(b) Upon a determination by the Commissioner that the financial assistance applied for will carry out the purpose of this part and that the applicant is eligible for such assistance, the application will be submitted to the Commission for final approval.

(c) After review, and upon approval by the Commission, the loan may be disbursed by the Commissioner.

§ 270.15 Eligible applicants.

(a) To be eligible for a loan, an applicant must be a nonprofit, limited dividend, or cooperative organization or a public body.

(b) To be eligible for a grant, an applicant must be a nonprofit, or cooperative organization or a public body.

(c) An applicant for a loan shall have available funds or assets considered adequate by the Commissioner to defray no less than 20 percent of the expenses of planning a project and of obtaining a mortgage insured under section 221, or 236 or a commitment to insure individual home mortgages under section 235.

§ 270.17 Use of loan proceeds.

An applicant shall agree, in form satisfactory to the Commissioner, to use the loan proceeds for the expenses of planning a housing or rehabilitation project and for obtaining the financing of such project through a mortgage insured under section 221, or 236, or to use the loan proceeds for the expenses of planning a housing subdivision and for obtaining the financing of the single family dwellings through mortgages insured under section 235.

§ 270.20 Maximum amount of loan.

The loan shall not exceed 80 percent of the total cost of both planning the project and of obtaining an insured mortgage(s) under section 221, 235, or 236. These costs may include preliminary surveys and analyses of market needs; legal fees; preliminary site engineering and architectural fees; options for the purchase of land; FHA and FNMA, or GNMA fees; construction loan fees and discounts; and such other items of cost as may be approved by the Commissioner. The loan shall be disbursed on the basis of 80 percent of the Commissioner's estimate of the total cost for such planning and for obtaining the insured mortgage. The loan contract shall provide for an adjustment of the loan to an amount which will not exceed 80 percent of the actual expenditures for such total cost.

§ 270.23 Maturity of loans—contract provisions.

The contract for a loan shall provide for repayment by the borrower within 6 months following the first disbursement of funds pursuant to the contract or at such time as the borrower recovers his expenses from the mortgage proceeds, or at such other time as may be fixed by contract, with the Commissioner. The Commissioner may extend the time for repayment under such terms and conditions as he may prescribe.

§ 270.25 Interest on loans.

(a) Interest shall not be charged to borrowers other than limited dividend organizations.

(b) Interest charged to a limited dividend organization shall be at the prevailing rate, which shall be the maximum rate authorized under § 221.518(a) of this title for mortgages insured under section 221. Such rate shall be determined as of the date the insuring office director recommends approval of the application for financial assistance under the Act.

§ 270.27 Waiver of loan repayment.

The Commissioner may waive the repayment of all or any part of a loan including interest thereon, if he determines that all or a portion of the loan cannot be recovered from the proceeds of a permanent mortgage or mortgages. No waiver of repayment shall be made in connection with a loan to an organization established for profit. Requests for waivers shall be made by the borrower stating the reasons why all or a portion of the loan cannot be recovered from the proceeds of the loan.

§ 270.30 Maximum amount of waiver of loan repayment.

The amount of loan repayment waived shall not exceed those expenditures made by the borrower which the Commissioner determines were in excess of the expenses permissible under § 270.20 and which were not recoverable from the proceeds of a permanent mortgage or mortgages insured under sections 221, 235, or 236. Within the limits of this section, the Commissioner's determination of the amount of a loan repayment to be waived shall be final.

Subpart C—"Project Feasibility" Grants

§ 270.40 Scope of assistance.

The Commissioner may make "project feasibility" grants and commitments for such grants and advance funds therefor, under such terms and conditions as he may require whenever such grants are essential to the economic feasibility of an Appalachian housing contruction or rehabilitation project for low and moderate income persons insured under section 221, 235, or 236. The conditions of eligibility for applicants and applications for such grants and the terms and conditions under which the proceeds of such loans and grants may be used are specified in this subpart.

§ 270.43 Location of projects constructed with grant assistance.

Any proposed low and moderate housing project for which a "project feasibility" grant is necessary must be located in the Appalachian Region as that term is defined in section 403 of the Appalachian Regional Development Act, as amended (40 U.S.C., App. 1, section 403).

§ 270.46 Application, processing and funding procedure.

(a) Prior to applying for assistance under section 207(c)(2) an applicant shall obtain approval of his proposal from the appropriate State representative.

(b) After such initial clearance, the applicant shall generally outline his proposal to the director of the HUD area or insuring office having jurisdiction over the area in which the applicant proposes to construct or rehabilitate the project.

(c) The HUD field office director may then invite the applicant to submit those documents necessary to enable HUD to determine project feasibility.

(d) The maximum amount of the grant necessary as well as uses thereof shall be determined in the normal course of HUD's underwriting procedures, as established by the Commissioner.

(e) After a determination by the Commissioner that the financial assistance applied for will carry out the purposes of this part and that the applicant is eligible for such assistance, the applicant and HUD will enter into a grant contract specifying the maximum amount of the grant.

(f) Disbursement of the grant funds shall be made upon such terms and conditions as the Commissioner shall require.

§ 270.49 Eligible applicants.

An applicant must be a nonprofit organization or a public body to be eligible for a grant under this subpart.

§ 270.52 Use of grant proceeds.

Use of grant proceeds is restricted to those reasonable on-site costs necessary to the preparation of a site so that construction of a building or buildings can commence and to those off-site improvements necessary to the project including, but not limited to, sewer and water line extensions.

§ 270.55 Maximum amount of grant.

A grant under this subpart shall be the lesser of:

(a) The total of all reasonable site preparation costs and necessary off-site costs;

(b) Ten percent of the estimated total cost of the project;

(c) The amount of grant assistance necessary to make the project feasible.

§ 270.58 Terms and conditions of grant—Grant Contract.

(a) The terms and conditions of the grant shall be enumerated in the Grant Contract which shall be executed by the grantee and the Commissioner.

(b) Grant monies shall only be used for those on-site and off-site development and improvement costs specified in the Grant Contract.

(c) Grant monies shall be placed in an escrow account and disbursed as work progresses on the grant objective as approved by the Commissioner. Arrangements other than an escrow may be approved by the Commissioner.

(d) Cost certification shall be required for all grants under this subpart and excess funds shall be returned to the Commissioner. Cost certification shall be required upon the completion of the grant objective and at such other earlier times as the Commissioner may require.

§ 270.61 Grants to public bodies.

Since a public body is not an eligible mortgagor under section 236 a "project feasibility" grant to a public body for necessary off-site improvements and reasonable site development costs for a section 236 project may only be made in cases where the section 236 mortgagor is a nonprofit or cooperative mortgagor as defined in the section 236 regulations.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (8-4-72).

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

[FR Doc.72-12243 Filed 8-3-72;8:53 am]

[Docket No. R-72-204]

PART 271—LOAN ASSISTANCE FOR PLANNING LOW AND MODERATE INCOME HOUSING

Pursuant to the authority contained in the Housing and Urban Development Act of 1968, as amended (82 Stat. 490; 12 U.S.C. 1701x), notice is hereby given that the Department of Housing and Urban Development has revised Part 271 of Chapter II of Title 24 of the Code of Federal Regulations to implement that portion of section 106(a) of the Act which authorizes the Secretary of the Department of Housing and Urban Development to provide or to contract with public or private organizations to provide information, advice and technical assistance with respect to the construction and rehabilitation of low and moderate income housing.

The revision to Part 271 divides the part into three subparts—one covering rules applicable to both the "seed money" and technical assistance planning (TAP) programs and the other two covering rules applicable to each of the respective programs. Subpart A revises existing §§ 271.1-271.5 to cover the technical assistance program. Subpart B utilizes existing §§ 271.7-271.30 with minor nonsubstantive changes and Subpart C is composed of new sections to cover the TAP program. The operations and counseling services provided for in section 106(a) of the Act will not be implemented by these regulations. Regulations for implementing these portions, when issued, will appear in Chapter IV of this Title.

The Secretary has determined that the public interest would best be served by immediate implementation of the TAP program. An urgent need exists to make these funds available so that impetus can be provided for the production of housing by interested nonprofit groups lacking technical expertise and for the production of housing through self-help programs. For these reasons, the Secretary finds that it is impracticable and contrary to the public interest to provide for normal comment and public procedure with respect to this revision and that good cause exists for making these regulations effective upon publication in the FEDERAL REGISTER.

Accordingly, Part 271 is amended as follows:

Subpart A—General

Sec.
271.1 Statement of applicable law.
271.2 Delegation from Secretary to Assistant Secretary—Federal Housing Commissioner.
271.5 Definitions.

Subpart B—"Seed Money" Loans and Grants

271.7 Scope of assistance.
271.13 Filing, processing, and approving applications.
271.15 Eligible applicants.
271.17 Use of loan proceeds.
271.20 Maximum amount of loan.
271.25 Waiver of repayment.
271.27 Maturity of loans—contract provisions.
271.30 Interest on loans.

Subpart C—"TAP" (Technical Assistance Program) Grants

271.50 Scope of assistance.
271.55 Filing, processing, and approving grant applications.
271.60 Eligible applicants.
271.65 Use of TAP grant proceeds.
271.70 Grant contracts—general requirements.
271.75 Period of performance.

AUTHORITY: The provisions of this Part 271 issued under section 106, 82 Stat. 490; 12 U.S.C. 1701x.

Subpart A—General

§ 271.1 Statement of applicable law.

(a) Section 106(a) of the Housing and Urban Development Act of 1968, as amended, authorizes the Secretary of Housing and Urban Development to provide or contract with public or private organizations to provide information, advice, and technical assistance to public bodies or to nonprofit or cooperative organizations with respect to the construction and rehabilitation of federally assisted low and moderate income housing.

(b) Section 106(b) of the Housing and Urban Development Act of 1968 authorizes the Secretary of Housing and Urban Development to make loans, under such terms and conditions as he may prescribe, to nonprofit organizations for necessary expenses of planning and obtaining financing for the rehabilitation or construction of housing for low and moderate income families under any federally assisted program.

§ 271.2 Delegation from Secretary to Assistant Secretary—Federal Housing Commissioner.

The Secretary has delegated to the Assistant Secretary—Federal Housing Commissioner the authority to execute the powers and functions, related to the production of housing, vested in the Secretary by section 106(a) and the authority to execute the powers and functions vested in the Secretary by section 106(b) of the Housing and Urban Development Act of 1968. The delegation includes the authority for the Commissioner to redelegate such authority to employees of the Department.

§ 271.5 Definitions.

As used in this part:

(a) "Act" means the Housing and Urban Development Act of 1968, as amended.

(b) "HUD" means the Department of Housing and Urban Development or, as the context may require, the Secretary of HUD, or any other person authorized to perform any of the functions required of the Department of Housing and Urban Development by the Act.

(c) "Commissioner" means the Assistant Secretary—Federal Housing Commissioner or his authorized representative.

(d) "Fund" means the Low and Moderate Income Sponsor Fund.

(e) "Nonprofit organization" means a corporation or association organized for purposes other than the making of profit or gain for itself or any persons identified therewith and which the Commissioner finds is in no manner controlled or directed by persons or firms seeking to derive profit or gain from its operation.

(f) "Grantee" means any public or nonprofit organization selected for grant assistance under section 106(a) of the Act because of a demonstrated ability to provide information and/or advice and technical assistance concerning the construction and operation of low and moderate income housing.

(g) "TAP" means a technical assistance program under section 106(a) of the Act.

(h) "Public organization" means a Federal instrumentality, a State or territory of the United States or political subdivision or an instrumentality thereof or any unit of general local government within a State or territory of the United States.

(i) "Self-help and mutual self-help programs" means any plan whereby a person or group of persons provides some portion of the initiative (including labor in lieu of cash investment—"sweat equity" and other such concepts if applicable) in producing low and moderate income housing for himself or itself.

(j) "TAP project" means a technical assistance program grant proposal developed under section 106(a) of the Act and approved and funded by HUD.

Subpart B—"Seed Money" Loans and Grants

§ 271.7 Scope of assistance.

The Commissioner may make loans from the Fund to encourage and facilitate the construction or rehabilitation of housing for low and moderate income families under any federally assisted program. The conditions of eligibility for applicants and applications for such loans and the terms and conditions under which the proceeds of such loans may be used are specified in this subpart.

§ 271.13 Filing, processing and approving applications.

(a) The application shall be filed, on a form prescribed by the Commissioner, with the HUD area or insuring office having jurisdiction over the area in

which the applicant proposes to construct or rehabilitate a housing project for low or moderate income families to be financed with the assistance of any Federal program.

(b) Upon a determination by the area or insuring office director that the financial assistance applied for will carry out the purposes of this part and that an applicant is eligible for such assistance, the application, along with his recommendations, will be forwarded to the Regional Administrator for his consideration and approval.

(c) After review, the Regional Administrator will forward the application, with appropriate comments, to the Director, Subsidized Housing Programs.

(d) The Director, Subsidized Housing Programs, will make a final review and will select the eligible grantees from evaluations made of all proposals and recommendations received.

§ 271.15 Eligible applicants.

(a) To be eligible for a loan, an applicant must be a nonprofit organization.

(b) An applicant for a loan shall have available funds or assets considered adequate by the Commissioner to defray no less than 20 percent of the estimated expenses of planning a project and of obtaining financing under a federally assisted program.

§ 271.17 Use of loan proceeds.

An applicant shall agree, in form satisfactory to the Commissioner, to use the loan proceeds for the expenses of planning the rehabilitation or construction of a project and for obtaining the financing of such project under a federally assisted program. The plans for such project shall contemplate its ownership by the applicant or another nonprofit organization satisfactory to the Commissioner.

§ 271.20 Maximum amount of loan.

The loan shall not exceed 80 percent of the total reasonable and necessary costs expected to be incurred in both planning the project and of obtaining financing under a federally assisted program. These costs may include preliminary surveys and analyses of market needs; preliminary site engineering and architectural fees; options for site acquisition; application and mortgage commitment fees; construction loan fees and discounts; and such other items of costs as may be approved by the Commissioner. The loan proceeds shall be disbursed on the basis of 80 percent of the Commissioner's estimate of the total reasonable costs for such planning and for obtaining such financing. The loan contract shall provide for an adjustment of the loan to an amount which will not exceed 80 percent of the actual expenditure for such total costs.

§ 271.25 Waiver of repayment.

The Commissioner may waive the repayment of all or such part of a loan that he determines cannot be recovered from the proceeds of a permanent loan made to finance the rehabilitation of construction of a housing project. The Commissioner may also make such waiver where he determines that the project proposed by the sponsor is not feasible, provided the sponsor has otherwise complied with the provisions of the agreement required by § 271.17.

§ 271.27 Maturity of loans—contract provisions.

The contract for a loan shall provide for repayment by the borrower within 6 months following the first disbursement of funds pursuant to the contract or at such time as the borrower recovers his expenses from the proceeds of the permanent financing, or at such other time as may be fixed by contract with the Commissioner. The Commissioner may extend the time for repayment under such terms and conditions as he may prescribe.

§ 271.30 Interest on loans.

No interest shall be charged to a borrower under the provisions of this subpart.

Subpart C—"TAP" (Technical Assistance Program) Grants

§ 271.50 Scope of assistance.

The Commissioner may provide grant assistance to provide impetus for broader use of the federally subsidized low and moderate income housing programs in areas where the need is largely unmet because of economics and a lack of local capacity necessary to provide such housing. The grant assistance may be for TAP proposals providing for technical assistance to public bodies, nonprofit or cooperative organizations to stimulate the production of low and moderate income housing in areas of greatest need, including, but not limited to, the more rural areas of our country. TAP proposals may include, as a major part of their overall objective, stimulating the creation and continued viability of self-help or mutual self-help groups or programs capable of producing housing. TAP proposals may also include as a minor part of their overall objective the assembly, correlation and dissemination of information related to the production of such housing. The conditions of eligibility for applicants, application information and conditions under which the proceeds of such grant may be used are specified in this subpart.

§ 271.55 Filing, processing and approving grant applications.

(a) The application shall be filed, on a form prescribed by the Commissioner, together with a detailed plan for the proposed use of grant proceeds, with the HUD area or insuring office having jurisdiction over the area in which the applicant proposes the TAP project.

(b) After review and approval by the Commissioner of a grant application, each approved grantee will submit a proposed form of grant agreement which, when executed by the Commissioner, will become the complete contract for the use of the grant proceeds. The form of the grant agreement shall generally follow model forms for such agreements which will be furnished the applicant by the Commissioner. After final approval of this contract, the proceeds of the grant may be disbursed in a manner prescribed by the Commissioner.

(c) Special consideration shall be given to proposals which will stimulate the production of low and moderate income housing in areas where the need for subsidized housing is largely unfulfilled.

§ 271.60 Eligible applicants.

(a) To be eligible for a TAP grant, the applicant must be a nonprofit or public organization.

(b) A TAP grant applicant must demonstrate the capacity, background, experience and accounting and control system deemed necessary by the Commissioner to carry out the proposed TAP Project.

§ 271.65 Use of TAP grant proceeds.

A grant recipient shall agree, in a form satisfactory to the Commissioner, to use the grant proceeds for expenses reasonable and necessary to effectuate the TAP Project as approved by the Commissioner. Any determination made by the Commissioner regarding use of grant funds shall be final. Funds will be advanced under the agreement and in conformity with HUD procedures and rules governing grants.

§ 271.70 Grant contracts—general requirements.

Grant contracts shall provide for limitation of the TAP Project planned to a specific geographic area so that more immediate results can be obtained and determined from the grant program. The contracts shall further fully and specifically describe the technical assistance services to be furnished. The contracts shall contain an agreement to provide such reports concerning the operation of the program and the results produced by TAP grants and such other conditions and limitations as may be required by the Commissioner.

§ 271.75 Period of performance.

The period of performance of grant contracts will generally be limited to one year although extensions for longer periods may be approved by the Commissioner.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (8-4-72).

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

[FR Doc.72-12242 Filed 8-3-72;8:53 am]

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

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

[Docket No. R-72-202]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

Servicing Co. for State of Tennessee

By an amendment effective on August 1, 1972, and published in the FEDERAL REGISTER under the above docket number, this subchapter is being amended to include the State of Tennessee as a State eligible for the sale of Federal crime insurance. At the time the amendment to accomplish this purpose was drafted, competitive proposals by insurance companies to act as the Servicing Co. for that State had not yet been evaluated.

It has now been determined that the Insurance Company of North America is the low offerer, and it is the purpose of this amendment to designate that company as the Servicing Co. for the State of Tennessee for the period ending June 30, 1973.

Part 1930 of Subchapter C of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

In § 1930.6, the list of servicing companies is amended to add the name and address of the servicing company for the State of Tennessee, so that the revised regulation will read as follows:

§ 1930.6 Names and addresses of servicing companies.

* * * * *

Tennessee—Insurance Company of North America, 480 James Robertson Parkway, Nashville, TN 37219.

(Sec. 1247, 82 Stat. 566, 12 U.S.C. 1749bbb-17)

Effective date. This amendment shall be effective on August 1, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-12219 Filed 8-3-72;8:53 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

DUTY-FREE FUEL FOR AIRCRAFT

Warehouse Withdrawals

Section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), provides for the withdrawal from bonded warehouse of fuel oil of foreign origin for supplies of certain aircraft free of duty and internal revenue tax. Except as to aircraft operated by the United States, this provision applies to aircraft only when actually engaged in trade as specified therein. In accordance with paragraph (d) of this section, the privileges granted aircraft registered in a foreign country may be allowed only upon a finding that the foreign country extends reciprocal privileges to aircraft registered in the United States.

It has been determined that more stringent control over withdrawals of fuel oil from bonded warehouses pursuant to the foregoing provisions is needed to detect possible violations of the free withdrawal privilege as well as the possible violation of petroleum import regulations.

For this purpose, notice is hereby given that, under the authority of section 251 of the Revised Statutes, as amended (19 U.S.C. 66), sections 309 and 624, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1624), it is proposed to amend Part 10 to add a new § 10.64a to read as follows:

§ 10.64a Bonded fuel laden as aircraft supplies.

(a) In addition to other provisions of the regulations for the withdrawal of bonded fuel, for each fueling of an aircraft with fuel withdrawn from a Customs bonded warehouse without payment of duty and internal revenue tax under section 309 of the Tariff Act of 1930, as amended, and for each duty and tax paid withdrawal or other type of withdrawal of fuel covered by the same warehouse entry, the person making the withdrawal or his designated agent shall prepare, in duplicate, and sign a Bonded Fuel Control Card, Customs Form 7309. The withdrawer shall file with the district director all of the executed Bonded Fuel Control Cards, Customs Form 7309, daily or as the district director requires and retain the copies in his records. The prenumbered cards need not be used in numerical order.

(b) If final withdrawal of fuel covered by a warehouse entry cannot be made within 90 days after the date of entry, a withdrawer may request one or more extensions of 60 days in order to postpone receipt of the consolidated report sent to him for response pursuant to paragraph (f) of this section. The withdrawer shall use a copy of Customs Form 7309 for this purpose, noting over his signature the region-district-port code number, the warehouse or rewarehouse entry number, and the extension requested. The withdrawer shall file the completed form with the district director at the port of withdrawal.

(c) When imported fuel withdrawn under section 309 of the Tariff Act of 1930, as amended, is laden on a qualified U.S.-registered aircraft which departs directly for a foreign country or for a possession of the United States from a port where it is not otherwise required to clear, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs Form 7309-A, in duplicate, with the district director at the port of departure within 48 hours after departure.

(d) In the case of an aircraft of U.S. registry arriving in the United States from a foreign country or from a possession of the United States and fueling with bonded fuel for use on the remaining leg(s) of a qualified flight to a U.S. destination for which a permit to proceed is not required, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs Form 7309-A, in duplicate, with the district director at the U.S. port of destination (termination) of the flight within 48 hours after the arrival of the aircraft at that port. If the port of destination is not a U.S. Customs port of entry, the executed flight verification card, in duplicate, shall be filed within the 48 hours with the district director at the Customs port of entry nearest the U.S. port of destination.

(e) When imported fuel withdrawn under section 309 of the Tariff Act of 1930, as amended, is laden on a U.S.-registered aircraft which departs without clearing under a permit to proceed from Puerto Rico for the U.S. mainland, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs Form 7309-A, in duplicate, with the district director at the U.S. port of destination (termination) of the flight within 48 hours after the arrival of the aircraft at that port. If the port of destination is not a U.S. Customs port of entry, the executed flight verification card, in duplicate, shall be filed within the 48 hours with the district director at the Customs port of entry nearest the U.S. port of destination.

(f) Within 30 days after the date of mailing or personal delivery to a withdrawer of two copies of the consolidated report of all withdrawals under a given warehouse entry, the withdrawer shall sign the certificate of use on one copy of the report, return it to the district director together with a satisfactory documented reconciliation of all discrepancies, and file a withdrawal for consumption including deposit of duties for any of the fuel not properly accounted for. Oil import licenses shall be charged when appropriate. The other copy of the consolidated report shall be retained by the withdrawer.

(g) The district director, upon written application, may extend the 30-day period for the filing of the documents and any deposit of duties required under paragraph (f) of this section, if the district director is satisfied that the withdrawer has been or will be prevented by circumstances beyond his control from filing the documents and depositing the duties within the 30-day period.

(h) For purposes of this section, a U.S.-registered aircraft chartered and operated by a foreign airline shall be deemed to be a foreign-registered aircraft. The country of registry (flag) of the aircraft shown on the Bonded Fuel Control Card, Customs Form 7309, shall be the country code of the foreign airline.

Prior to the adoption of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

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

Approved: July 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-12207 Filed 8-3-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Withdrawal of Notice of Proposed Rule Making

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the marketing agreement, as

amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, a notice regarding a proposed regulation, with an effective date of July 30, 1972, regulating the handling of limes grown in Florida was published in the FEDERAL REGISTER (37 F.R. 13802).

On July 26, 1972, the Florida Lime Administrative Committee held an open meeting, after giving due notice thereof, to consider the supply and market conditions for Florida limes and the need for regulation. The committee reports that due to recent continued rain in the production area, the current crop of limes has bleached and turned color on the tree to the extent that the bulk of such limes cannot meet the more restrictive color requirements of proposed Lime Regulation 34. Therefore, the committee unanimously recommended withdrawal of the proposed regulation and to continue in effect Lime Regulation 33 (37 F.R. 9617) during the remainder of the period June 1, 1972, through April 30, 1973.

In view of the changed crop situation, it is proposed that Lime Regulation 33 (37 F.R. 9617) should continue in effect during the remainder of the period ending April 30, 1973. Therefore, the notice of proposed Lime Regulation 34 (37 F.R. 13802) is hereby withdrawn and the proceeding terminated.

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

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12240 Filed 8-3-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 72-SW-45]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign segments of Jet Route No. 102 and Jet Route No. 161; revoke Jet Route No. 157, Jet Route No. 163, and a portion of Jet Route No. 161.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Realign Jet Route No. J-102 from Phoenix, Ariz., to Alamosa, Colo., via the intersection of Phoenix 066° T (052° M) and Zuni, N. Mex., 226° T (212° M) radials, and Zuni.
2. Delete Jet Route No. J-161 from Phoenix, Ariz., to Farmington, N. Mex.
3. Redesignate Jet Route No. 161 from Zuni, N. Mex., to Farmington, N. Mex.
4. Delete Jet Route No. J-157 from St. Johns, Ariz., to Alamosa, Colo.
5. Delete Jet Route No. 163 from St. Johns, Ariz., to Farmington, N. Mex.

The proposed changes will delete some seldom used jet route segments, reduce some mileages, reduce route complexities, and reduce chart clutter in the St. Johns-Zuni areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 28, 1972.

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

[FR Doc.72-12205 Filed 8-3-72;8:50 am]

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC-40; Notice 72-9]

DRIVERS OF COMMERCIAL MOTOR VEHICLES

Disqualification and Waivers of Certain Physical Defects

The Director of the Bureau of Motor Carrier Safety is considering amendments to the Motor Carrier Safety Regulations pertaining to the qualifications of drivers of commercial motor vehicles used to transport passengers and property in interstate or foreign commerce.

The amendments under consideration would (a) provide for a graduated scale of periods of disqualification for drivers who are convicted of certain serious criminal offenses; (b) permit a driver who is convicted of a disqualifying offense to apply for, and receive, mitigation or reduction of the disqualification; and (c) expand the categories of physical disqualification factors for which a waiver may be issued.

Under § 391.15 of the existing rules, a driver who is convicted of a serious criminal offense while driving, such as driving while intoxicated, is disqualified from serving as the driver of a commercial motor vehicle operated in interstate or foreign commerce for a period of 3 years thereafter. Experience in the administration of this disqualification rule indicates that it may be in the public interest to differentiate between first- or second-time offenders and drivers who are repeatedly convicted of serious criminal misconduct while driving. In addition, it may be advisable to provide for a procedure under which the Bureau of Motor Carrier Safety may give individual consideration to the status of drivers who are convicted of disqualifying offenses, particularly those who may wish to present matter in extenuation or mitigation for the Bureau's consideration.

Under the proposal, the 3-year period of disqualification would be replaced by a graduated scale; a driver convicted of a disqualifying offense for the first time would be disqualified for 90 days; the second offense would impose a 1-year period of disqualification; and a third offense would disqualify him for 3 years. As is now the case, convictions for offenses committed before the January 1, 1971, effective date of § 391.15 would not be considered in determining whether a driver is disqualified or for how long the disqualification lasts. The Director also proposes to wipe any conviction that is more than 5 years old off the driver's record when applying the graduated scale of periods of disqualification.

In its present form, § 391.15 imposes a categorical and absolute 3-year period of disqualification upon a driver who has been convicted of one of the enumerated offenses. Many persons have informally asked the Director to institute a procedure under which the Bureau may examine the facts and circumstances of particular cases so that, in a meritorius case, a driver could apply for, and obtain, reduction in the duration of his disqualification or mitigation of its impact in some other way (such as by disqualification for only certain types of service). The proposal would allow a driver who is convicted of an offense which would disqualify him for a period of 1 year or more to apply for appropriate relief within 30 days of the date his disqualification would ordinarily begin. During pendency of the application, the disqualification would be suspended. The period of disqualification would then be calculated from the date the Director takes final action upon the application.

The new driver qualification rules that became effective in January 1971 introduced a number of medical qualification criteria which require case-by-case determination of the question whether drivers are physically qualified to drive in interstate or foreign commerce. Instead of categorically precluding drivers afflicted with certain medical conditions from driving, many of the new criteria provide that a driver who is so afflicted is disqualified only if his condition renders him likely to be an unsafe driver.

The rules also provided for the granting of a waiver to a driver who would otherwise be disqualified for loss of an

extremity or disability in using it. This procedure has worked well. The Director is considering extending the privilege of applying for, and obtaining, a waiver to drivers who are medically disqualified on other grounds. The Director does not propose to broaden the waiver procedure to apply to all types of medical disqualifications. There are, in his view, some types of medical conditions that should disqualify a person afflicted with them regardless of his individual circumstances. For example, a person who lacks adequate binocular vision should not be permitted to operate a commercial motor vehicle. The same is true in the case of an individual who suffers from a medically-diagnosed case of alcoholism. On the other hand, there are, as noted above, a number of disqualifying conditions which, by their nature, must be viewed in the light of the person who suffers from them. In those instances, it may be in the public interest to allow for granting of a waiver under suitable safeguards.

The proposal, in its present form, does not specify the procedure to be followed in disposing of mitigation-of-disqualification cases or medical-waiver cases. The Bureau intends to institute procedures designed to insure that the rights of all parties to due process of law are fully protected in the event the present proposal bears fruit. Staff work looking toward the development of appropriate procedures is presently in process; however, it is not now far enough along to permit publication of a definitive set of proposed procedural rules. The Director would, however, welcome the submission of comments on this subject.

In consideration of the foregoing, the Director proposes to amend Part 391 of the Motor Carrier Safety Regulations (Subchapter B in Chapter II of Title 49 CFR) as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendments. Comments must identify the docket number and notice number set forth above and must be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on October 13, 1972, will be considered before further action is taken on the proposals. All comments will be available for examination in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street SW., Washington, DC before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4.

Issued on July 25, 1972.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Section 391.15 would be revised to read as follows:

§ 391.15 Disqualification of drivers.

(a) *General.* A driver who is disqualified shall not drive a motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a motor vehicle.

(b) *Disqualification for loss of driving privileges.* A driver is disqualified for the duration of his loss of his privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the suspension, revocation, withdrawal, or denial of any operator's license, permit, or privilege until that operator's license, permit, or privilege is restored by the authority that suspended, revoked, withdrew, or denied it.

(c) *Disqualification for criminal misconduct.* Except as provided in paragraph (e) of this section, a driver is disqualified for the period of time specified in paragraph (d) of this section after the date he is convicted of, or forfeits bond or collateral upon a charge of, committing any of the following criminal offenses:

(1) A felony committed after December 31, 1970, and involving the use of a vehicle by that driver; or

(2) A crime committed after December 31, 1970, and involving the manufacturing, knowing transportation, knowing possession, sale, or habitual use of amphetamines, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug; or

(3) Operating a vehicle after December 31, 1970, and while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug; or

(4) Leaving the scene of an accident after December 31, 1970, if the accident resulted in personal injury or death.

(d) *Duration of disqualification for criminal misconduct.*

If the number of convictions (or forfeitures of bond or collateral) for a specified disqualifying offense within the preceding 5 years is—	*The duration of the period of disqualification is—*
1	90 days.
2	1 year.
3 or more	3 years.

(e) *Mitigation or reduction of disqualification.* (1) Within 30 days after the date he becomes disqualified for one year or more on account of a conviction of, or forfeiture of bond or collateral upon a charge of, any offense specified in paragraph (c) of this section, a driver may apply to the Director, Bureau of Motor Carrier Safety for reduction or mitigation of his disqualification. Upon the Director's receipt of an application, the period of disqualification is suspended until the Director disposes of the application.

(2) An application for mitigation or reduction of disqualification must be in writing. It should be sent to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. It must contain the following information:

(i) The name and address of the driver.

(ii) The name and address of the motor carrier by whom the driver is employed (if any).

(iii) The name and address of each motor carrier that has employed the driver within the preceding 5 years.

(iv) A concise statement of the driver's experience in operating commercial motor vehicles, including the names of the jurisdictions in which he has been licensed to operate a commercial motor vehicle during the preceding 5 years.

(v) The nature of the disqualification which is or may be imposed upon the driver.

(vi) A statement, setting forth all violations of motor vehicle laws or regulations (except those involving only parking) of which the driver has been convicted or on account of which he has forfeited bond or collateral within the preceding 5 years.

(vii) A description of all prior proceedings, including labor-management proceedings, and actions by the Bureau of Motor Carrier Safety and State agencies regarding his conviction and disqualification.

(viii) A statement as to whether the applicant requests a personal hearing before the Bureau of Motor Carrier Safety. If a personal hearing is requested, the applicant should set forth the facts and other matters he expects to present at a hearing.

(ix) The name and address of the person to whom notice and other communications about the case should be sent.

(x) Such other matters as the applicant deems relevant.

(3) The following documents must accompany an application:

(i) A certified copy of the record of the court in which the driver was convicted or forfeited bond or collateral upon each disqualifying offense.

(ii) A copy of the driver's most recent application for employment or, if no application for employment was made within the preceding year, a statement containing the information required by § 391.21(b).

(iii) A copy of the driver's list or certificate relating to violations of motor vehicle laws, as specified in § 391.27(a).

(4) Decision of the Director: Following such further proceedings as he authorizes, the Director disposes of the application by a letter to the applicant, denying the application or granting it in whole or in part. In that letter, he specifies the duration of the disqualification, running from the date of his decision, imposed upon the driver, which shall not be greater than the period of disqualification prescribed in paragraph (c) of this section. The driver must furnish a copy of the letter to each carrier that employs him, and the carrier must retain the copy of the letter in the driver's qualification file for 5 years.

II. The introductory clause of paragraph (b) in § 391.41 and the first two subparagraphs of that paragraph would be revised to read as follows:

§ 391.41 Physical qualifications for drivers.

* * * * *

(b) Except as provided in § 391.49 (relating to waivers of certain physical defects), a person is physically qualified to drive a motor vehicle if he—

(1) Has no loss of a foot, a leg, a hand, or an arm;

(2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interefere with his ability to control and safely drive a motor vehicle;

* * * * *

III. Paragraph (a) of § 391.49 would be revised to read as follows:

§ 391.49 Waiver of certain physical defects.

(a) A person who is not physically qualified to drive under subparagraphs (1), (2), (4), (5), (6), (7), (8), or (9) of § 391.41(b) and who is otherwise qualified to drive a motor vehicle may drive a motor vehicle, other than a motor vehicle which transports passengers or a motor vehicle which must be placarded or marked in accordance with § 177.823 of this title (relating to placards or markings upon vehicles transporting hazardous materials), if the Director has granted an application for a waiver with respect to that person.

* * * * *

IV. Paragraph (b) of § 391.49 would be amended by changing "20591" to read "20590."

[FR Doc.72-12118 Filed 8-3-72;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Ch. I]

[Docket No. R-438]

DEVELOPMENT OF FULLY AUTOMATED COMPUTER REGULATORY INFORMATION SYSTEM

Notice of Further Extension of Time

JULY 27, 1972.

Development of fully automated computer regulatory information system revisions in Title 18, Code of Federal Regulations, Docket No. R-438.

The notice of proposed rule making in the above-designated proceeding was issued on April 13, 1972 (37 F.R. 7638, April 18, 1972). Comments were to be filed on or before May 16, 1972. By notice issued May 11, 1972 (37 F.R. 10086, May 19, 1972), the time for filing comments was extended to and including July 14, 1972.

On July 5, 1972, the NARUC Subcommittee of Staff Experts on Accounting filed a request for a further extension of time to file comments. The request was denied by notice issued July 14, 1972. On July 17, 1972, the Public Service Commission of the State of Wisconsin filed a request for an additional 90-day extension of time.

Upon further consideration of the request of the NARUC Subcommittee and the request filed by Wisconsin, it appears that the comments of the State regulatory commissions will assist this Commission in making its final decision. Accordingly, the time is further extended to and including September 15, 1972, within which comments may be filed. Such comments must be filed on or before that date, in order to be considered by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12196 Filed 8-3-72;8:46 am]

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

EMPLOYEES IN ARMED FORCES

Offers of Reinstatement

The National Labor Relations Board, pursuant to the authority vested in it by section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. Sec. 156), and in accordance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. Sec. 553), publishes this notice that it is giving consideration to promulgation of the following rule concerning the contents of an offer of employment, reemployment, or reinstatement to an employee where directed by a Board remedial order.

Subpart F—Remedial Orders

§ 103.100 Offers of reinstatement to employees in armed forces.

When an employer is required by a Board remedial order to offer an employee employment, reemployment, or reinstatement, or to notify an employee of his or her entitlement to reinstatement upon application, the employer shall, if the employee is serving in the armed forces of the United States at the time such offer or notification is made, also notify the employee of his or her right to reinstatement upon application in accordance with the Universal Military Training and Service Act, as amended, after discharge from the armed forces.

An explanatory statement published herewith summarizes the Board's objectives in publication of this rule.

All persons who desire to submit written comments, views, or arguments for consideration in relation to the proposed rule should file 15 copies of the same, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue NW., Washington, DC.

Dated, Washington, D.C., August 8, 1972.

By direction of the Board.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

Explanatory statement. When the Board finds that an employer has violated the National Labor Relations Act in such a manner as to cause an employee loss of employment, it requires as a remedy that that employer offer the employee employment, reemployment, or reinstatement, as the case may be. When the employee is in the Armed Forces of the United States at the time the required offer is made, the Board uniformly requires that the employer's offer also notify the employee of his right to reinstatement established by the Universal Military Training and Service Act.[1] Similarly, when the Board finds that a strike is an unfair labor strike, it requires as a remedy that the employer offer the striking employees reinstatement upon their application and, as to employees precluded from applying because serving in the Armed Forces of the United States, notify them of their right to reinstatement under that statute after their release from service.[2] In these circumstances, the Board's determination of the employee's right to employment, or reinstatement upon application, may be determinative of his right to reinstatement under the Universal Military Training and Service Act after release from service.

This proposed rule does not alter those requirements in any way. It is intended rather to simplify the present practice of the Board under which the order and the notice to be posted by the employer must, in each reinstatement situation, include an undertaking to notify the employee if serving in the Armed Forces of his right to reinstatement under the Universal Military Training and Service Act. If the rule is adopted as here proposed, it is intended to discontinue the practice of including the applicable provision in each order and notice, since publication of the rule will serve as formal notice of the requirement. The regional offices of the Board will, of course, continue to assure this notification requirement is satisfied before the case is closed upon compliance with the Board's order.

[FR Doc.72-12211 Filed 8-3-72;8:50 am]

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[1] 65 Stat. 75, 50 U.S.C. App. Sec. 451, et seq., amending and renaming Selective Service Act of 1948, 62 Stat. 604; see also 82 Stat. 790. See, e.g., Stationers Corporation, 96 NLRB 196; Aerovox Corporation, 102 NLRB 1526. Compare The Federbush Co., Inc., 34 NLRB 539, 565.

[2] Gerhard Landgraf and Peter Landgraf, doing business as Bay Standard Products Mfg. Co., 167 NLRB 340, 341.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Dockets Nos. 23553, 23579; EDR-205C, PSDR-32C]

MILITARY TRANSPORTATION; EXEMPTION OF AIR CARRIERS

Extension of Time for Comments

JULY 31, 1972.

By circulation of notice of rule making EDR-205A/PSDR-32A, dated May 31, 1972; and published at 37 F.R. 11344, and EDR-205B/PSDR-32B, dated June 23, 1972, and published at 37 F.R. 12729, the Board gave notice that it had under consideration proposed amendments to Parts 288 and 399 of its regulations (14 CFR Parts 288 and 399). These proposals would establish minimum rates applicable to certain foreign and overseas air transportation services performed by air carriers for the military on and after July 1, 1971. Interested persons submitted comments on July 21, 1972, and reply comments to such submissions are due to be filed on or before August 4, 1972.

On July 28, 1972, counsel for World Airways, Inc., requested an extension of time to August 21, 1972, for filing reply comments. In support of this request, counsel states that more than a dozen separate comments have been filed, and the comments of the Military Airlift Command alone appear to involve several hundred pages; that a substantial amount of time is required for analysis of these documents and the preparation of an appropriate response; that the task is complicated by the possibility that joint comments may be filed by World with the several carriers for whom initial joint comments were filed on July 21; and that the preparation and clearing process will be further delayed by the current absence, because of vacations, of many of the persons who will participate therein.

The undersigned finds that good cause has been shown for the requested extension of time for filing comments. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting reply comments to August 21, 1972.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] SIMON EILENBERG,
Acting Associate General Counsel, Rules and Rates.

[FR Doc.72-12233 Filed 8-3-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19555; FCC 72-663]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Notice of Proposed Rule Making

1. Our purpose herein is to implement the National Environmental Policy Act of 1969, 42 U.S.C.A. 4321-4347, and particularly section 102(2)(c) of the Act, 42 U.S.C.A. 4332(2)(c).[1] The proposed rules are set forth below.

2. In drafting the rules, careful consideration has been given to guidelines issued by the Council on Environmental Quality. In its regulatory activities, the Commission approves or disapproves of applications which may involve construction projects by others which may have a significant effect on the quality of the human environment, but does not itself engage in construction activities. In processing the hundreds of thousands of applications which are filed during a given year, it is almost totally dependent on information furnished by the applicant and others. Whether the criterion is efficiency, practicality, or fairness, it is preferable to have all of the information and arguments from all interested persons before a judgment is made. This is particularly true of many environmental considerations, which have only recently been introduced as factors in the decisionmaking process. Thus, we propose (where there appears to be significant environmental effect) to transmit the application and related papers (including an environmental report prepared by the applicant) to the expert agencies, and to elicit environmental comments from those agencies and the public on the basis of those materials. A detailed environmental statement would be prepared following submission of agency and public comment. This seems to us the best way to assure full and fair consideration of the question of environmental impact.

3. Our purpose has been to fully implement both the letter and spirit of the environmental statute, consistent with procedural safeguards set out in the Administrative Procedure Act and the Communications Act, and with no greater application processing burden or delay than is necessary. The rules provide for the regular input of environmental data which will facilitate the identification and consideration of environmentally significant factors. They provide for comment by interested individuals and organizations and by expert governmental agencies, and for their participation in Commission proceeding. They provide for the consideration of environmental factors at the same time and in the same way as other factors pertinent to a public interest determination are considered, except that they provide for the preparation of a "detailed environmental statement" following comment by interested persons and expert agencies and prior to action, as required by the environmental act.

4. The rules apply to applications involving construction. Attention is directed to the fact that the Commission has not for some years required applicants for authorizations in the Safety and Special Radio Services to file an application for authority to construct prior to construction of station facilities. See section 319(d) of the Communications Act, 47 U.S.C. 319(d). In those services, therefore, the proposed rules are made applicable to applicants and applications for station authorizations rather than applicants and applications for authority to construct. For the most part, it is anticipated that the approximately 550,000 Safety and Special applications filed annually would involve minor construction having no significant environmental effect. However, Safety and Special applicants should consider environmental factors prior to construction, since construction without prior consideration of the environmental consequences and Commission authorization would prove fruitless if the Commission should subsequently find it necessary to deny the application for license on environmental grounds.

5. Authority for the proposed rules is contained in sections 4(i), 4(j), 303(r), and 309 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 309, and in the National Environmental Policy Act, 42 U.S.C.A. 4321-4347.

6. Pursuant to applicable procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before September 29, 1972, and reply comments on or before October 30, 1972. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments and reply comments shall be furnished the Commission. Comments and reply comments will be available for inspection in the Commission's broadcast and dockets reference room. All relevant and timely comments and reply

[1] Heretofore, the Commission has considered environmental factors on a case-by-case basis, pursuant to an initial policy judgment that this was the better and more appropriate means of implementing the statute, in view of the relatively limited environmental impact of Commission actions. Though we have not decided many cases in which environmental questions were at issue, such questions have been considered when they were present. See, e.g., Amendment of FM Table of Assignments, 25 F.C.C. 877 (1970). In the light of recent court decisions, however, we have reassessed our initial position and are now persuaded that it is advisable and desirable to issue specific implementing regulations.

comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice.

Adopted: July 24, 1972.

Released: July 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart I, to read as follows:

Subpart I—Procedures Implementing the National Environmental Policy Act of 1969

§ 1.1301 Basis and purpose.

The provisions of this subpart implement the National Environmental Policy Act of 1969, 42 U.S.C.A. 4321–4347.

§ 1.1303 Scope.

The provisions of this subpart apply to all applications filed with the Commission involving the construction, abandonment, or razing of a structure. They also apply to applications for license for new or modified facilities in the Safety and Special Radio Services. The term "application (or applicant) for authority to construct," as used in this subpart, shall encompass the abandonment or razing of a structure and an application (or applicant) for license for new or modified facilities in the Safety and Special Radio Services.

§ 1.1311 Notice of proposed construction.

(a) An applicant for authority to construct is required to provide notice to appropriate persons or organizations if it appears to him, or to the Commission upon review of his application, that the proposed construction is likely to involve a significant environmental problem and that notice is likely to provoke comment which would be helpful in assessing the effect of the proposed construction on the quality of the human environment. The notice shall state the nature and location of the construction and shall invite comment to the applicant on environmental considerations.

(b) Where notice is required and written comment is requested, 30 days shall be allowed for comment. Comments received shall be considered by the applicant in assessing the effect of the proposed construction on the quality of the human environment pursuant to the provisions of §§ 1.1313–1.1317. In normal course, notice should be given, and procedures for the consideration of environmental effect should be completed, before the application is filed, and written comments pursuant to the notice should be submitted to the Commission with the application. However, the applicant may, upon a showing of good cause, defer notice until after the application is filed. In that event, the applicant shall state in his application that he is seeking comment on a deferred basis, and action on the application will be deferred until applicant has given notice and complied with the provisions of § 1.1313, § 1.1315, or § 1.1317, as appropriate.

(c) The form of the notice and the persons or organizations to whom it is given will vary depending on the nature and scope of the construction project. The environmental effect and the sources of useful comment could be strictly local or could extend to a number of States. In a given case, for example, it could be appropriate to post notice at the site, to discuss the matter orally with neighboring property owners, or to raise it at a meeting of a community group. In another, newspaper or broadcast station notice could be appropriate. In still another, it could be appropriate to contact State or Federal environmental organizations and Government agencies which may reasonably be considered to have an interest in the environmental effect of the project. The form and extent of notice is left to the judgment of the applicant, subject to review by the Commission.

§ 1.1313 Applications entailing expenditures of less than $100,000.

(a) If an application for authority to construct entails expenditures of less than $100,000, if the applicant has considered the matter and has concluded that the construction will have no significant environmental effect, and if the applicant has received no significant objection to the construction proposed in the application, he may, as an alternative to filing a preliminary or detailed environmental report (see §§ 1.1315 and 1.1317), submit with his application a simple statement to that effect: *Provided, however,* That this paragraph shall apply only where prior public notice of the filing of the application is given by the Commission. See 47 U.S.C. 309(b).

(b) The Commission may, upon review of an application filed in accordance with paragraph (a) of this section, require the submission of a preliminary or detailed environmental report.

§ 1.1315 Applicant's preliminary (short form) environmental report.

(a) Except as provided in this paragraph, all applicants seeking authority for construction (and all applicants seeking authority to discontinue, reduce, or impair service to a community, or part of a community, which involves the abandonment or razing of a structure owned or utilized by the applicant) shall file a preliminary environmental report. A preliminary environmental report need not be filed with the following applications unless the applicant has been required to provide notice of proposed construction under § 1.1311:

(1) Applications accompanied by the statement provided for in § 1.1313 or by the detailed environmental report provided for in § 1.1317.

(2) Applications for authority to mount an antenna on an existing antenna tower, provided the height of the structure is increased by no more than 20 feet or by no more than 10 percent, whichever is greater.

(3) Applications for authority to construct an antenna structure which will extend no more than 20 feet above ground or natural formation or above an existing man-made structure.

(4) Applications proposing to locate antenna structures within an established antenna farm.

(5) Applications which involve the attachment of additional wire or cable to existing telephone poles and do not involve the erection of new poles.

(6) Applications involving the installation of additional cable in duct or conduit space over existing cable routes.

(7) Applications for authority to modify existing facilities where the modification will involve no significant construction external to an existing structure.

(8) Applications for authority to construct an antenna structure which is to remain in place for a temporary period (as for the conduct of experimental operations or during the continuance of emergency conditions) and then be removed, provided there will be no lasting effects of environmental significance.

(9) Applications for authority to construct a temporary structure on an existing antenna site to maintain service pending repair of the permanent structure.

(10) Applications for authority to replace an existing antenna structure with a new structure on the same site having essentially the same height and design.

(11) Applications for authority to construct facilities to be utilized exclusively in rendering services to the U.S. Government, where the existence or purpose of such facilities is classified security information. (In such cases, it would appear that the environmental determination should be made by the Government agency for which the services are to be rendered under procedures compatible with the national security and on the basis of information which that agency alone may have.)

(b) The purpose of the preliminary environmental report is to require the applicant, and to permit the Commission, to ascertain whether the construction proposed would involve a significant environmental problem. If the applicant concludes that the proposed construction will have a significant effect on the quality of the human environment, he should file a detailed, rather than a preliminary, environmental report. The preliminary report shall describe the construction site and the construction proposed, including auxiliary construction such as access roads and power lines. It may be set out as a narrative statement.

[2] Commissioner Johnson concurring in the result; Commissioner Hooks absent.

The following questions are illustrative of those which should be answered in the report:

(1) *Harmony with man-made uses.* How far is the proposed construction from the nearest structures not owned or utilized by the applicant? What is the character of these structures (e.g., residential, business, industrial)? How is the area zoned? Was it necessary for the applicant to obtain a zoning variance? State your conclusion as to whether the proposed construction is in harmony with or would disturb man-made uses of the surrounding area. If there are elements of disharmony or disturbance, state why they are not considered of environmental significance.

(2) *Harmony with natural uses.* Does the proposed construction intrude in any significant way upon wilderness areas, wildlife preserves, natural flyways for birds, or like areas? Would construction require the significant destruction of vegetation required as food or shelter by animal life native to the area? If there is some intrusion upon natural uses, state why it is not considered to be environmentally significant.

(3) *Harmony with environmentally valuable sites.* Is the proposed construction so situated as to detract in any significant respect from the value of any scenic, cultural, historic, or recreational site? If there is some intrusion on such a site, state why it is not considered to be environmentally significant.

(4) *Substantial change in the character of land utilized.* Does the proposed construction effect any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features)? If there is some substantial change in the character of the land utilized, state the reasons for concluding that the change is not environmentally significant.

(5) *Comments and complaints.* What efforts (if any) have been made to elicit comment on the environmental effect of the proposed construction? Submit copies of any written comments or complaints received.

§ 1.1317 Applicant's detailed environmental report.

A detailed environmental report shall be filed if it is determined by the applicant or by the Commission that the proposed construction will have a significant effect on the quality of the human environment or if there is reason for substantial doubt as to the proper conclusion. The detailed report, like the preliminary report, shall describe the environmental impact of the proposed construction and shall, in addition, deal with such of the following matters as may be pertinent:

(a) Any adverse environmental problems which cannot be avoided should the proposal be implemented:

(1) What steps have been taken or will be taken to reduce, minimize, or eliminate any adverse environmental impact? These could include reforestation, landscaping, architectural innovations, sewage treatment facilities or arrangements, fences to limit access to dangerous areas.

(2) Assuming such steps are taken, what significant environmental problems remain which cannot be avoided?

(3) Why can they not be avoided?

(b) Alternatives to the proposed action:

(1) What alternatives have been considered which could reduce, minimize, or eliminate any adverse environmental impact? These could include relocation of the construction site, location of an antenna or an existing structure rather than on a new tower, self-supporting rather than guyed antenna towers, and so forth. Where receiving equipment is subject to control by the applicant, consideration could also be given to use of higher capability receivers with a shorter transmitting antenna tower.

(2) What environmentally desirable alternatives exist that have not been adopted?

(3) Why have they not been adopted?

(c) The cumulative long-term effect of the proposed construction, to the extent it differs from the immediate effect of the project considered in isolation.

(d) Any irreversible and irretrievable commitment of resources which would be involved in the proposed construction: This provision relates to the depletion of limited natural resources, which is a factor we would not expect to be present in the construction of communications facilities, except possibly in limited respects (see, e.g., § 1.1315(b) (2) and (4)). Nevertheless, the environmental report should deal with this factor, should it be present.

§ 1.1321 Commission consideration of environmental effect.

(a) The Commission will consider the environmental effect of proposed construction in all instances in which a preliminary or detailed environmental report is required.

(b) If the request is not accompanied by a detailed environmental report, and if it is clear from the preliminary environmental report that the proposed construction will not have a significant effect on the quality of the human environment, the request will thereafter be processed without further consideration of environmental factors.

(c) In reviewing the preliminary environmental report, the Commission may require the submission of additional information or may direct the applicant to request (additional) comment and report the results to the Commission. Processing of the application will be deferred pending receipt of such additional information.

(d) If upon reviewing the preliminary environmental report the Commission concludes that the proposed construction will have a significant effect on the quality of the human environment, or if there is substantial doubt as to the proper conclusion, the Commission will direct the applicant to submit a detailed environmental report and will defer processing the application pending receipt of such report.

(e) In reviewing a detailed environmental report, the Commission may direct the applicant to consider additional measures or alternatives which could reduce, minimize, or eliminate an environmental problem and which were not considered in the report. The Commission may direct that technical studies be made or that expert opinion be obtained regarding the effect of the proposed construction and regarding the environmental, communications, and cost effects of additional measures or alternatives which could reduce, minimize, or eliminate an environmental problem.

(f) If a detailed environmental report is submitted with the application or subsequently filed pursuant to Commission direction, the Commission will publish in the FEDERAL REGISTER a public notice containing the following information:

(1) The nature and location of the construction proposed.

(2) Whether there has been opposition to the application on the basis of environmental considerations.

(3) A brief statement regarding the nature of any environmental problem dealt with in the detailed environmental report or raised in any opposition to the application.

(4) A statement that the application and the environmental report and any oppositions are available for inspection at the Commission and in the local community or, if construction is not localized, at other appropriate locations.

(5) A statement that comments or petitions to deny the application on the basis of environmental considerations may be filed within 30 days after publication.

(g) Action on the application will be deferred for 30 days following publication of the notice in the FEDERAL REGISTER. Comments or petitions to deny the application on the basis of environmental considerations shall be filed within this 30-day period. If a person who comments or petitions to deny is specially qualified in any way to comment on environmental considerations, a statement of his qualifications shall be set out in the petition. Comments and petitions to deny shall be served on the applicant. The petition to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that grant of the application would be prima facie inconsistent with the public interest. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(h) Provisions for public notice and petitions to deny on the basis of environmental considerations shall apply whenever a detailed environmental report is filed, regardless of whether the request would have been subject to notice and petition to deny procedures on other grounds. However, provision for notice and petition to deny on the

basis of environmental considerations shall not open the application to attack on other grounds. Where a public notice is required for environmental and other reasons, a single notice may be published.

(i) Where public notice is published in the FEDERAL REGISTER, copies of the application, the detailed environmental report, and all related materials will be forwarded to the Council on Environmental Quality, to other Federal agencies having jurisdiction or special expertise with respect to the environmental impact of the proposed construction, and to appropriate State and local agencies, with a request for comment on the environmental impact of the construction proposed. The applicant may be required to file such number of additional copies of the application and related papers as are required for this purpose. Thirty (30) days will be allowed for comment. The identity and qualifications of the person(s) who prepared the comments shall be specified therein. A copy of agency comments shall be served on the applicant by the commenting agency.

(j) The applicant may respond to petitions to deny and agency comments within 21 days after the time for filing such petitions and comments has expired. The response shall be served by the applicant on persons who filed petitions to deny and on agencies which filed comments. The response shall contain specific allegations of fact or denials thereof, which shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(k) The application, the detailed environmental report, and all related papers, including agency comments, shall be routinely available for public inspection.

(l) The applicant shall maintain a copy of the application, the detailed environmental report and related papers in the local community and make them available for inspection upon request. If construction is not localized, these materials shall be made available for inspection at such location(s) as may be appropriate to provide reasonable access to persons affected by the proposed construction.

§ 1.1323 Commission action following the submission of comment on environmental effect; detailed environmental statement.

(a) Following completion of procedures designed to elicit information and comment regarding the environmental effect of the proposed construction, and upon consideration of all information submitted, the Commission will make a determination as to whether such construction will have a significant effect on the quality of the human environment.

(b) If it is determined that the construction will not have a significant effect on the environment, the application will thereafter be processed without further consideration of environmental factors.

(c) If it is determined that the construction will have a significant effect on the environment, the Commission will prepare a detailed environmental statement. The statement will indicate the nature, location, and environmental impact of the proposed construction and will deal with such of the following matters as may be pertinent:

(1) Measures which will or could be taken to reduce, minimize, or eliminate any adverse environmental impact.

(2) Alternatives to the proposed construction which could reduce, minimize, or eliminate any adverse environmental impact.

(3) The cumulative, long-term effect of the proposed construction, to the extent it differs from the immediate effect of the project considered in isolation.

(4) Any irreversible and irretrievable commitment of resources which would be involved in the proposed construction. The detailed environmental report may be incorporated by the Commission into its detailed environmental statement. The statement, shall, in addition, however, take into consideration all matters of substance raised by persons or agencies objecting to the construction on the basis of environmental considerations and shall contain an independent statement of the Commission's conclusions.

(d) The detailed environmental statement will be associated with the application and will be routinely available for public inspection. Copies of the statement will be forwarded to the Council on Environmental Quality and to individuals who filed petitions to deny and agencies which filed comments. Action will not be taken less than 30 days after issuance of the detailed statement.

(e) If on review of the detailed environmental statement the Commission finds that there is no substantial and material question of fact relating to environmental considerations and that the public interest will be served by granting the application, it will grant the application.

(f) If on review of the detailed environmental statement it appears that there is a substantial and material question of fact relating to environmental considerations or that the Commission is unable, on the basis of environmental considerations, to determine that a grant of the requested authorization will serve the public interest, convenience and necessity, it will designate the application for hearing on an environmental issue.

(g) If on review of the detailed environmental statement the Commission finds that there is no substantial and material question of fact relating to environmental considerations but that a hearing is required for other reasons, it will designate the application for hearing on nonenvironmental issues only.

(h) Regardless of the action taken, the Commission will issue a statement of the reasons for its action.

§ 1.1325 Consideration of the detailed environmental statement during the hearing and decision-making process.

(a) If a case is designated for hearing on an environmental issue, the detailed environmental statement will be attached to the designation order and will be considered in delineating the scope of the environmental issue.

(b) Copies of comments from Federal, State, and local agencies will be associated with the record of the hearing proceeding, shall be admissible in evidence for the limited purpose of showing the views of those agencies, and may be used in cross-examining witnesses on the environmental issue.

(c) Agencies and individuals who comment on environmental effect may be invited to participate as parties to the proceeding and, if not named as parties, may petition to intervene. Agencies which comment may be asked by Commission counsel or others to furnish expert witnesses to testify on matters of environmental impact. Subpoenas for the appearance of such agency experts will be issued, if necessary, when their testimony is required to lay a foundation for the admission of agency comments in evidence to show the truth of facts and the validity of conclusions contained thereof.

(d) The burden of proceeding with the introduction of evidence on the environmental issue, as well as the burden of proof on that issue, shall be upon the applicant, except as otherwise provided in the designation order.

[FR Doc.72-12215 Filed 8-3-72;8:51 am]

[47 CFR Part 2]

[Docket No. 19547; FCC 72-629]

SPACE TELECOMMUNICATION

Proposed Frequency Allocations and Radio Treaty Matters

In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva Radio Regulations, as revised by the Space WARC, Geneva, 1971, Docket No. 19547.

1. Notice of proposed rule making in the above entitled matter is hereby given.

2. Pursuant to established procedures set forth in the International Telecommunication Convention (Montreux, 1965), the International Telecommunication Union (ITU) convened a World Administrative Radio Conference (WARC) in Geneva, Switzerland, on June 7, 1971, to deal with space telecommunication matters. The Final Acts of the WARC, signed at Geneva on July 17, 1971, and scheduled to enter

into force internationally on January 1, 1973, constitute a partial revision of the international radio regulations, Geneva, 1959, as amended by subsequent intervening administrative radio conferences and reflected in the 1968 edition thereof.

3. The U.S. Senate gave its advice and consent to ratification without reservation on June 13, 1972, and on July 14, 1972, the President signed the instrument of ratification. That document will be deposited with the Secretary-General of the ITU, in Geneva, at an early date. The purpose of the rule making proceeding initiated herein is to align, to the extent practicable, Part 2 of the rules with the international radio regulations, as revised by the Space WARC, Geneva, 1971. The application of these changes in the other several parts of the rules will be the subject of separate proceedings.

4. The proposals made by the United States for consideration at the Space WARC were essentially those contained in the Commission's Report and Order of December 18, 1970, terminating the proceedings in Docket No. 18294 (FCC 70-1340), published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19590). A comparison of the U.S. allocation proposals with the Final Acts of the Space WARC will show that our proposals were well received and were generally adopted as proposed or accommodated in satisfactory fashion. The decisions of the WARC pertinent to this proceeding are discussed below.

5. Definitions: The U.S. proposals favored a minimum of change in definitions relative to space services and space techniques as adopted in 1963 by the Extraordinary Administrative Radio Conference (EARC) on space matters. It was the decision of this WARC, however, to revise the format for such definitions and, in essence, to derive "twin" definitions for terrestrial services and their counterparts in space. We will no longer speak of terrestrial services using space techniques but will have, as examples: (a) Amateur and amateur-satellite services; (b) aeronautical mobile and aeronautical mobile-satellite services; etc. As will be seen in the proposed changes to section 2.1 of Part 2 contained in the appendix below, there is no longer a space service definition, per se, to serve as a generic term from which other service definitions can be derived. The delineation is now made on the basis of space radiocommunication versus terrestrial radiocommunication. Derivation of the new terms is self-evident except perhaps in one instance. The fixed-satellite service has replaced, in major part, what was previously defined as the communication-satellite service, drawing an analogy between the point-to-point aspects of the latter service and the terrestrial fixed service. The definition of the broadcasting-satellite service also warrants special mention in that, as adopted, it encompasses not only direct reception by the individual but also the concept of "community" reception wherein a number of individuals might gather to listen to or view reception that is possible only through the use of a sophisticated receiving installation.

6. Amendments to the table of frequency allocations (§ 2.106): The format set forth in section 2.105 of the existing rules has been used in developing the proposed changes in § 2.106 contained in the appendix below. In brief, columns 1 and 2 show the worldwide allocation in a band—if there is one—in the new international table. Columns 3 and 4 show the allocation in Region 2 (the Americas) in bands where there is not a common worldwide allocation. Thus, columns 1-4 show the international table pertinent to Region 2; columns 5-11 show the national table as proposed in this proceeding. Where services are named in the table in columns 2, 4, or 8, capital letters (FIXED) denote primary services and lower-case letters (Mobile) denote secondary services. In column 6 (above 25 MHz) the symbol G means that assignments may be made to stations belonging to and operated by the Federal Government. The symbol NG means that stations under the Commission's jurisdiction may be assigned in the band. Shared bands are designated by the symbols G, NG. Three types of footnotes are used in the overall table. One consisting of three digits or three digits followed by one or more letters, e.g., (170) or (356AB), denotes a paragraph in the international radio regulations. Where such a note is applicable in the national table, without modification, it appears in the national table as well as in column 1, 2, 3, or 4. A footnote consisting of the letters US followed by one or more digits denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies. A footnote consisting of the letters NG followed by one or more digits denotes a stipulation applicable to non-Government stations.

7. Amateur-Satellite Service: U.S. proposals for the use of satellites by amateurs covered a total of 18 separate bands above 7 MHz then allocated to the amateur service, five of which were allocated to that service on an exclusive, worldwide basis. The remaining bands were available to the amateur service in only one or two of the three ITU regions or were shared in various ways with other radio services. In the shared bands, the United States had proposed secondary status for the amateur satellites and a requirement that adequate telecommand facilities be established to alleviate any interference that might be caused to other services. This sharing arrangement was not acceptable to the WARC except in the single case of 435-438 MHz where it will be permitted under terms essentially as suggested by the U.S. proposals. Our proposals with respect to the exclusive bands were adopted and, in addition, the WARC allocated the band 24-24.05 GHz exclusively and worldwide to the amateur and amateur-satellite services. The bands in which amateur satellites will have allocation status are the following:

7.0-7.1 MHz	144-146 MHz.
14.0-14.25	435-438 secondary status, tele-command required.
21.0-21.45	
28.0-29.7	24-24.05 GHz.

8. Broadcasting-Satellite Service: This was the most controversial of the several services treated at the WARC. The United States proposed footnotes in the bands 88-108 MHz and 614-890 MHz which, subject to the agreement of other administrations concerned and affected, would have permitted introduction of the broadcasting-satellite service. The first of these proved almost unanimously unacceptable and the proposal was withdrawn. The second encountered difficulties also since in those parts of the world where UHF-TV terrestrial systems were well established, administrations were fearful of harmful interference unless firm sharing criteria could be established. In other parts of the world, the band above 790 MHz is heavily populated by tropospheric scatter systems in the fixed service the highly sensitive receivers of which would be subjected to interference from satellites producing sufficient levels of signal to provide even a marginal broadcasting-satellite service. It was agreed finally that access to the band 620-790 MHz would be permitted, in accordance with footnote 332A, reading as follows:

332A—Within the frequency band 620-790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service, subject to agreement among the administrations concerned and those having services which may be affected (see Resolutions Nos. Spa 2-2 and Spa 2-3). Such stations shall not produce a power flux density in excess of the value -129 dBW/m^2 for angles of arrival less than 20° (see Recommendation No. Spa 2-10) within the territories of other administrations without the consent of those administrations.

Recommendation No. Spa 2-10 referred to above indicates that the level of power flux density is provisional and invites the technical radio organ of the ITU, the CCIR, to study the problem of appropriate sharing criteria as a matter of urgency. Resolution No. Spa 2-2, referred to in the above note, resulted from the fears of most countries present that a few of the more technologically advanced countries would preempt the lion's share of the frequencies and orbital positions useful for the broadcasting-satellite service before others were in a position to exploit this new service. The resolution calls on the Administrative Council of the ITU to examine the question of a WARC and/or regional conferences to draw up agreed plans for stations in the broadcasting-satellite service. The remaining resolution referred to in No. 332A, Resolution No. Spa 2-3, provides interim procedures for establishing a broadcasting-satellite service pending the entry into force of the results of the conference(s) referred to in Resolution No. Spa 2-2. In other words, it would be possible for the United States to implement the service in this band if it were found to be in the national interest.

9. The Commission stated on a number of occasions in its several Notices of Inquiry in Docket No. 18294 that there were no plans afoot to implement a broadcasting-satellite service on either a

domestic or international basis. Our proposals to the WARC with respect to this service were intended to keep our options open for the period during which the results of the WARC remain in force. That position has not changed. Accordingly, at this point in time we propose not to reflect footnote 332A in the national table since that would tend to indicate a willingness to see the broadcasting-satellite service develop in the band 620–790 MHz. Should the national interest suggest a reversal of that policy in the future, it would be treated in an appropriate rule-making proceeding.

10. The frequency band 2500–2690 MHz was allocated to the broadcasting-satellite service by the WARC. The United States had proposed that it be allocated to the communication-satellite service and dedicated to "community" reception of educational television programing and public service information. Others proposed that it be allocated to a "distribution-satellite service." Yet, all had the same service in mind and the allocation to the broadcasting-satellite service will meet our national needs, particularly with the service defined in such a way as to include "community" reception. Also adopted by the WARC and superimposed upon this allocation were two bands each 35 MHz wide at the upper and lower ends for the fixed-satellite service. The band 2500–2535 MHz is for downward transmissions and 2655–2690 MHz for upward transmissions in this fixed-satellite service. Footnote NG 102, as conceived initially, would have limited this thin route fixed-satellite service to intra-Alaska use; however, as explained in paragraph 14, it has been expanded somewhat. Additionally, NG 47 has been amended to preclude the use of 2655–2690 MHz by terrestrial stations in Alaska to minimize interference to satelliteborne receivers in the band which are expected to be receiving low-powered Alaskan earth stations. There are a great number of international footnotes associated with the overall band 2500–2690 MHz as will be seen in the appendix below. Of those, 361B and 364E are particularly pertinent in that they limit the broadcasting-satellite and fixed-satellite services, respectively, to domestic and regional systems, make them subject to agreement with other administrations concerned and affected, and place power flux density limits on their downward transmissions.

11. The frequency band 11.7–12.2 GHz was proposed by the United States for the broadcasting-satellite service, sharing on a primary basis with the fixed-satellite service and allowing the existing terrestrial mobile service to remain on a secondary basis. At the insistence of other Region 2 countries, however, the WARC allocated the band to five services on a coequal primary basis, namely: Fixed, fixed-satellite (down), mobile except aeronautical mobile, broadcasting, and broadcasting-satellite services. Footnotes 405BB and 405BC were also adopted for this band. However, the first of these tends to negate any success the other Region 2 countries had in adding more terrestrial services to the band. It reads as follows:

> 405BB — Terrestrial radiocommunication services in this band shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to insure compatibility between the uses that each country decides for this band.

It is proposed that our national table include for this band only those services recommended in the U.S. proposals, namely, the broadcasting-satellite, fixed-satellite and mobile services, with the last named being on a secondary basis. It should be noted that the WARC imposed no power flux density limit in this band with respect to either broadcasting satellites or fixed satellites and no limits are proposed in our national rules. It is in this band that a domestic broadcasting-satellite service might logically be expected to develop—if we are to have one. It is conceivable that the fixed-satellite service would be used initially for the distribution of broadcasting program material and evolve with time into a community or direct-to-the-home broadcasting-satellite service. It is perhaps more conceivable, unless steps are taken to preclude it, that the fixed-satellite service would not take that course but would be used for conventional fixed-satellite service and develop to a stage where the entire band and the preferred orbital positions were being used, to the virtual exclusion of a broadcasting-satellite service. Therefore, although not now reflected in the table as presented (see p. 31 of appendix), it is our intention to allocate the lower portion of the band to the fixed-satellite service on a primary basis and to the broadcasting-satellite service on a secondary basis. In the upper portion the allocation status between these services would be reversed. This would insure a future home for the broadcasting-satellite service if it should develop. The remaining question is the amount of spectrum space to be allocated in each of the two portions. Comments, with supporting rationale, are invited specifically on this point. With respect to the terrestrial mobile service, we propose that it be secondary to both space services throughout the band 11.7–12.2 GHz.

12. Also adopted by the WARC, in response to proposals from others, were allocations for the broadcasting-satellite service in the band 22.5–23 GHz, in Region 3 only, sharing with the fixed and mobile services, and in the bands 41–43 and 84–86 GHz on an exclusive, world-wide basis. Of these, only those above 40 GHz are reflected in our proposed national table.

13. In summary, the following frequency bands were made available to the broadcasting-satellite service:

620–790 MHz by footnote 332A.
2500–2690 MHz, shared.
11.7–12.2 GHz in Regions 2 and 3, shared.
11.7–12.5 GHz in Region 1, shared.
22.5–23.0 GHz in Region 3, shared.
41.0–43.0 GHz world-wide, exclusive.
84.0–86.0 GHz world-wide, exclusive.

14. Fixed-Satellite Service: The United States proposed 2150–2200 MHz and 2500–2550 MHz to accommodate demand-assignment-multiple-access (DAMA) systems for remote areas but had to compromise and settle for 2500–2535 MHz (down) and 2655–2690 MHz (up) on a shared basis as described in paragraph 10 above. Initially, we planned to limit this use to intra-Alaskan service. However, in recent weeks interest has developed in extending this availability for possible service to the mid- and western-Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and/or Hawaii. The inclusion of Guam or Hawaii would be to provide an interface between the remoter islands and the global communication networks rather than for intra-Guam or intra-Hawaii use. Since neither Guam nor Hawaii now has any terrestrial assignments in these bands, both have been included in a new footnote, NG 102.

15. The United States proposed also that the band 6625–7125 MHz be allocated, in Region 2, to the fixed-satellite service on a coequal shared basis with the existing terrestrial fixed and mobile services for space-to-earth transmissions. This proposal encountered strong opposition from other Region 2 countries and various lower priority alternatives were proposed by the United States in an effort to find some accommodation. The WARC finally adopted a footnote, No. 392AA, stating that in the U.S.A., Canada, and Brazil the band 6625–7125 MHz was also allocated on a secondary basis to the fixed-satellite service for space-to-earth transmissions. It specifies also that while the power flux density within Region 2 shall be the conventional -152 dBW/m^2/4 kHz, the PFD must be 6 dB lower in Regions 1 and 3. Further, receiving earth stations in the band will not be permitted to impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other administrations. These limitations will limit our flexibility along our national borders with respect to the siting of receiving earth stations but will still permit a viable domestic system to develop. As shown in the appendix below, footnote NG 103 proposes to give coequal primary status in this band to the fixed-satellite service insofar as U.S. domestic terrestrial services are concerned, but points out that the service is secondary with respect to the terrestrial services of other countries.

16. The difficulties encountered by the above proposals came about from the opinion held generally by delegations to the WARC that there should not be additional shared allocations for the fixed-satellite service below 10 GHz. U.S. proposals for the fixed-satellite service above 10 GHz proved much more acceptable.

17. U.S. proposals for the fixed-satellite service (down) at 10.95–11.2 and 11.45–11.7 GHz, sharing with the fixed and mobile service, were adopted on a worldwide basis, with the general understanding that they would be employed in the international, as opposed to the domestic, service. Our proposed footnote NG 104 would so limit the use. As noted in paragraph 11 above, the WARC also adopted, in essence, our proposed use of the band 11.7–12.2 GHz for the fixed-satellite service in the down direction for domestic systems. The matching up-band, 12.75–13.25 GHz, as proposed by the United States was acceptable to all but the eastern European countries, whose existing terrestrial systems could not accommodate that proposal. A compromise acceptable to all was found in the band 14.0–14.5 GHz which will now provide the up-band for domestic systems in the band 11.7–12.2 GHz and for international systems in the bands 10.95–11.2 and 11.45–11.7 GHz.

18. All U.S. proposals for the fixed-satellite service between 17.7 and 152 GHz were adopted without change. The same is true for all of our space-to-space proposals between 54 and 190 GHz, now accommodated in a newly defined intersatellite service.

19. The new bands allocated to the fixed-satellite service by the WARC are as follows:

2500–2535 MHz, in Regions 2 and 3, down, shared.
2655–2690 MHz, in Regions 2 and 3, up, shared.
6625–7125 MHz, in Brazil, Canada and USA only, secondary status, see footnote 392AA.
10.95–11.2 GHz, worldwide, down, shared, also up in Region 1.
11.45–11.7 GHz, worldwide, down, shared.
11.7–12.2 GHz, in Region 2, down, shared.
12.5–12.75 GHz, in Region 1, up and down, exclusive allocation; up in Region 2, down in Region 3, shared.
14.0–14.5 GHz, worldwide, up, shared.
17.7–19.7 GHz, worldwide, down, shared.
19.7–21.2 GHz, worldwide, down, exclusive.
27.5–29.5 GHz, worldwide, up, shared.
29.5–31.0 GHz, worldwide, up, exclusive.
40.0–41.0 GHz, worldwide, down, exclusive.
50.0–51.0 GHz, worldwide, up, exclusive.
92.0–95.0 GHz, worldwide, up, exclusive.
102–105 GHz, worldwide, down, exclusive.
140–142 GHz, worldwide, up, exclusive.
150–152 GHz, worldwide, down, exclusive.
220–230 GHz, worldwide, direction not specified, exclusive.
265–275 GHz, worldwide, direction not specified, exclusive.

20. Attention is invited particularly to the proposals herein with respect to the bands 17.7–19.7 and 27.5–29.5 GHz. In the existing table, they are shown as available to the fixed and mobile services generally. That is, for both private and common carrier use. The existing rule Parts 81, 87, 89, 91 and 93 (i.e., Safety and Special Radio Services) limit them to developmental status. Part 21, the common carrier rules, does not so limit their use. The bands are virtually unused today except for a limited number of experimental licenses held by common carriers. Since these bands will now be shared with the fixed-satellite service, we propose that only common carriers be permitted to operate in the fixed and mobile services.

21. The following bands were allocated by the WARC, on a worldwide, exclusive basis, to the new intersatellite service:

54.25–58.2 GHz; 59–64, 105–130, 170–182, 185–190.

22. Mobile-satellite service: The term "mobile" encompasses all three categories of mobile application, i.e., aeronautical, land and maritime mobile and U.S. proposals for such a service in the satellite area were minimal. Initially, the United States had but one proposal, the addition of footnote 308A to the Government frequency bands 235–328.6 and 335.4–399.9 MHz to permit the use of space techniques in the mobile service. This was adopted, essentially, specifying the mobile-satellite service and frequency limits of 240–328.6 and 335.4–399.9 MHz. It should be noted that this band will continue to be available only to Federal Government users in the national table. Late in the conference, the United States proposed, and the WARC adopted, an allocation at 406.0–406.1 MHz, earth-to-space, exclusively for the use and development of low power emergency position-indicating radiobeacon (EPIRB) systems using satellites. This will be available to Government and non-Government users alike.

23. Aeronautical Mobile-Satellite Service: In this service, the United States proposed that there be no change in the existing footnote 273A, as applied to the aeronautical mobile service in the band 117.975–136 MHz and the WARC concurred in that position. The remainder of our proposals for this service can be looked upon as joint aeronautical/maritime proposals involving the band 1535–1660 MHz and six bands between 43 and 265 GHz. In the band 1535–1660 MHz the United States had proposed—starting at the low end—2.5 MHz for maritime mobile, 5 MHz shared aeronautical/maritime mobile and 15 MHz for aeronautical mobile, all using space techniques and in the downward direction. Matching bandwidths for upward transmission were proposed between 1637.5 and 1660 MHz. The WARC accepted the U.S. philosophy and footnotes generally in the band 1535–1660 MHz but made the allocations to satellite services rather than terrestrial services using space techniques. More important, however, were significant changes in the proposed bandwidths for maritime and shared use. The maritime bandwidth was expanded threefold and the sharing was reduced to 1 MHz, with the following results:

1535–1542.5 MHz—maritime mobile-satellite service.
1542.5–1543.5 MHz—aeronautical mobile-satellite (R)/maritime mobile-satellite services.
1543.5–1558.5 MHz—aeronautical mobile-satellite (R) service.
1636.5–1644.0 MHz—maritime mobile-satellite service.
1644.0–1645.0 MHz—aeronautical mobile-satellite (R)/maritime mobile-satellite services.
1645.0–1660.0 MHz—aeronautical mobile-satellite (R) service.

These have been incorporated in the national table in the appendix below for shared Government/non-Government use.

24. Above 40 GHz, all U.S. proposed bands for mobile use were adopted by the WARC with the result that 43–48, 66–71, 95–101, 142–150, 190–200 and 250–265 GHz are now allocated to the following named services, worldwide:

Aeronautical mobile-satellite service, maritime mobile-satellite service, aeronautical radionavigation-satellite service, and maritime radionavigation-satellite service.

25. Also adopted by the WARC was a French proposal footnoting the band 5000–5250 MHz to permit earth station-to-satellite links for use by the aeronautical mobile (R) and/or radiodetermination services. This footnote, 383B, is proposed for inclusion in the national table. If this link is used in the up direction, it would be used at perhaps one location each on the east coast, west coast and in Hawaii and could be sited away from airports to prevent interference to aeronautical radionavigation devices. If used in the down direction, appropriate power flux density limitations could be applied to prevent interference.

26. Maritime Mobile-Satellite Service: In addition to those maritime proposals discussed in paragraph 23 above, the United States proposed exclusive maritime mobile bands (of 250 kHz each) at 157 and 162 MHz. Instead of the U.S. proposal, the WARC adopted footnote 287A which states, in part, "* * * the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The date on which satellite systems may be brought into use shall not be earlier than 1 January 1976 (see Resolution No. Spa 2–5)". (This resolution invites the 1974 ITU maritime conference to determine how best to implement this footnote.) In lieu of this note, we propose insertion of the following U.S. note in the national table:

US200—In the bands 157.3125–157.4125 MHz and 161.9125–162.0125 MHz, the use of satellite systems for safety and distress may be authorized on an exclusive basis on frequencies designated for such use by the WARC-MM, 1974. Such systems shall not be brought into use prior to January 1, 1976 (see WARC-ST Resolution No. Spa 2–5).

27. Also proposed by the United States for maritime mobile use was the band 335.15–335.4 MHz (down) and a note on the band 406–410 MHz indicating a need to find a matching up-band 250 kHz in width. Lacking WARC support, this proposal was withdrawn in favor of a U.S.A.-generated draft resolution

which was adopted by the WARC as Recommendation No. Spa 2-6. This recommendation calls on administrations and international organizations to continue to review the requirements of the service and the adequacy of its allocations; calls upon the CCIR to continue its studies relative to the optimum portion of the spectrum for space communication use by small boats; and suggests that some future conference take such action as may be found necessary to meet the needs of small ships and survival craft.

28. Radionavigation-Satellite Service: The United States made no proposals with respect to this service and no new bands were allocated for its use by the WARC. However, one of the existing bands allocated to this service, 14.3–14.4 GHz, was affected by one of the decisions of the WARC in favor of the fixed-satellite service. A new footnote, 408A, states that the fixed-satellite service in this same band and in the band 14.0–14.3 GHz shall be given protection from operations in the radionavigation-satellite service and radionavigation service, respectively, and we propose to incorporate that note in the national table, insofar as 14.3–14.4 GHz is concerned. (See US 206)

29. Earth Exploration-Satellite Service: This is the new title for the earth sciences satellite service proposed by the United States. Allocation proposals advanced by the United States for this service were:

401–403 MHz (up), 460–470 MHz (down), and 1670–1700 (down)—by footnote, on a secondary basis.

2025–2120 MHz (up)—by footnote, subject to agreement with administrations concerned and affected.

8025–8400 MHz (down)—shared primary status in the table.

21.2–22.0 GHz (down)—shared primary status in the table.

Except for the portion 1670–1690 MHz, all of the above proposals were accommodated, either exactly as proposed or with relatively unimportant modifications. In addition, in response to a French proposal, the WARC allocated the band 1525–1535 MHz to this service on a secondary basis. All, except the band 1525–1535 MHz, are reflected in the proposed national table for this service in the appendix below.

30. Meteorological-Satellite Service: As proposed by the United States, and as agreed by the WARC, this is a subservice of the earth exploration-satellite service and therefore eligible to operate in bands allocated to the earth exporation-satellite service. Additional allocation proposals by the United States for specific use by the meteorological-satellite service were as follows:

401–403 MHz (up)—in the table with secondary status.

460–470 MHz (down)—in the table with secondary status.

1670–1700 MHz (down)—in the table sharing on a primary basis with meteorological aids, delete fixed and mobile.

7450–7550 MHz (down)—by footnote on a primary shared basis.

8175–8215 MHz (up)—by footnote on a primary shared basis.

In the portion 1670–1690 MHz, the fixed and mobile services were retained but in all other aspects our proposals were adopted. In the case of the last two bands, they were given primary status in the table rather than in a footnote which is merely a matter of format. All are reflected in the national table.

31. Space Research Service: The United States proposed 25 different changes in allocations for this service. Each was treated to our satisfaction although not always on the precise terms proposed. Among the most important of these were allocation provisions at 1750–1850 MHz and 2025–2120 MHz for earth-to-space paired with 2200–2300 MHz for space-to-earth and an up-band at 7145–7235 MHz paired with 8400–8500 MHz for space-to-earth. These two sets of frequencies will provide for the principal needs of scientific satellites, manned space and deep space research. Additionally, secondary status was achieved for space research in the bands 13.25–14.2 and 14.4–15.35 GHz, as proposed. These are planned for the use of future deep space research and for satellite data relay experiments. Ten bands of frequencies above 40 GHz were also allocated to space research. Two of these, 51–52 and 65–66 GHz, permit transmissions while the others, representing molecular resonance areas, are for passive reception only. Unsolicited by the United States but added by footnote were six narrow bands in the upper guard bands of the standard frequencies, 2.5 MHz to 25 MHz, plus part of the lower guard band at 20 MHz. This footnote is not reflected in our national table.

32. Space Operation Service: The existing table contains a number of bands allocated to space (telemetering and tracking), space (telemetering), or space (telecommand). Under the terminology philosophy adopted by the WARC, however, there is no longer a space service, per se, and since the allocations were intended to accommodate the operational functions indicated in parentheses, the WARC resolved the issue by establishing a new space operation service defined as follows:

Space Operation Service—A radiocommunication service concerned exclusively with the operation of spacecraft, in particular, tracking, telemetry, and telecommand. These functions will normally be provided within the service in which the space station is operating.

This change in service name is reflected throughout the table in appropriate bands.

33. Standard Frequency—and Time Signal—Satellite Services: The United States had no proposals for these services prior to the WARC and took the position that the requirement was not sufficiently defined to warrant an allocation. Canada, on the other hand, proposed a footnote, 379A, designating 4202±2 MHz (down) and 6427±2 MHz (up) which, despite U.S. opposition, was adopted by the WARC. Late in the conference, to offer potential users a meaningful alternative, the United States proposed that the band 400.05–400.15 MHz be allocated to the standard frequency-satellite service, with a footnote specifying 400.1 MHz as the standard frequency and stipulating that associated emissions be confined within ±25 kHz of that frequency. This too was adopted by the WARC. This last named allocation is reflected in the national table whereas footnote 379A is not.

34. Radio Astronomy Service: The United States proposed some 20-odd changes in the table on behalf of the radio astronomy service, ranging in frequency from 2.5 MHz through 240 GHz. Virtually all recommended changes were adopted by the WARC. In addition, cautionary notes for the protection of various spectral lines were adopted on behalf of other administrations. One unusual feature of the U.S. proposals was a draft resolution calling for the protection of the radio astronomy service on the far side of the moon, i.e., that part permanently shielded from the earth. The concept was adopted by the WARC in the form of a recommendation.

35. One footnote adopted by the WARC and pertinent to the radio astronomy service warrants special discussion. This note, No. 364H, which was not proposed by the United States, applies to the band 2655–2690 MHz and reads as follows:

364H—In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2690–2700 MHz.

Radio astronomers are fearful that extraband radiation from space-to-earth transmissions in the broadcasting-satellite service would result in harmful interference to their extremely sensitive raido telescopes in the adjacent band—even though that extraband radiation might be well within what could be considered reasonable technical limits in the broadcasting-satellite service. An obvious solution would be to provide a guard band of X megahertz, just below 2690 MHz, wherein the broadcasting-satellite service would not be permitted. However, this "obvious" solution has several drawbacks. The WARC clearly intended that all of the band 2500–2690 MHz be available to the broadcasting-satellite service whereas No. 364H merely "urges" administrations to take measures. Further, No. 116A of the international radio regulations, which was adopted by the 1963 Space EARC and continued unchanged by the 1971 WARC, states the following:

116A, Section 4A. Forthe purpose of resolving cases of harmful interference, the radio astronomy service shall be treated as a radiocommunication service. However, protection from services in other bands shall be afforded the radio astronomy service only to the extent that such services are afforded protection from each other.

The gist of No. 116A has been and continues to be reflected in footnote US74 to our national Table of Frequency Allocations. Additionally, the use of the band 2500–2690 MHz by the broadcasting-satellite service is subject to agreement with other administrations. Such agreements might necessarily constrain U.S. use in such a way that full exploitation of the band 2655–2690 MHz would be required to meet our national needs. In short, without a specific system design before us, it is impossible to determine if it would be practicable to insure special protection to radio astronomy in the band 2690–2700 MHz and No. 364H is not reflected in the proposed national table. However, the Commission appreciates the concern of the radio astronomy community and will not overlook the desirability of finding a mutually satisfactory solution when plans for a broadcasting-satellite system in the band 2500–2690 MHz are more clearly defined.

36. Consequential allocation changes: The 1963 Space Conference allocated the frequency band 8400–8500 MHz in ITU Region 2 (the Americas) exclusively to the space research service. Prior to that time it had been allocated internationally to the fixed and mobile services and, in the national table, was designated as a non-Government band. Upon implementation of the results of the 1963 conference, the national table was modified to insert space research on a primary basis for both Government and non-Government use but the fixed and mobile services were retained for non-Government use, on a secondary basis, despite the absence of an international allocation to those latter two services. Although the band has been available in our rules for fixed and mobile operations for several years, there have been no non-Government systems licensed to so operate. This is doubtless due to the fact that the band is too narrow to warrant exploitation. The 1971 WARC changed the international allocation in this band by adding the fixed and mobile services on a coequal shared basis with the space research service. The immediately adjacent band, 8025–8400 MHz, is allocated to the fixed, mobile and fixed-satellite services, and, nationally, is a Government band. In the interest of improved national spectrum utilization, it is proposed herein that the band 8400–8500 MHz be designated as a Government rather than non-Government band insofar as the fixed and mobile services are concerned. In this way the entire band 8025–8500 MHz can be utilized effectively by Government users in the fixed and mobile services.

37. In developing the U.S. proposals to the WARC, it became necessary to suggest major allocation changes between 21.2 and 23.6 GHz in order to compensate the fixed and mobile services for spectrum space lost in other areas to accommodate allocations on an exclusive basis for the fixed-satellite service. These proposals were adopted by the WARC and, in Region 2, the entire band is now allocated to the fixed and mobile services, with the earth exploration-satellite service sharing the portion 21.2–22 GHz. It is proposed herein, as a departure from past practice, to make this new band, 21.2–23.6 GHz, available to both Government and non-Government users in the fixed and mobile services and, further, to make no distinction between private and common carrier users insofar as the non-Government is concerned. It is expected that the necessary assignment techniques can be developed to preclude harmful interference among the various users.

38. The philosophy of general sharing between Government and non-Government has been applied liberally in the bands above 40 GHz. Exceptions will be found in the bands allocated to the broadcasting-satellite service, where it has been determined that there is no Government requirement for accommodation, and in certain of the fixed-satellite and intersatellite service bands where specific Government needs for exclusivity have been defined. Also above 40 GHz are a number of bands which were not allocated to any service by the WARC. As an interim measure, these have been designated for use by amateur and experimental stations. However, upon completion of this rule making proceeding dealing with the results of the Space WARC, we intend to institute an additional national allocation proceeding to deal with terrestrial services in general between 40 and 300 GHz.

39. In addition to the proposed changes mentioned in the preceding paragraphs, the attached appendix below contains a number of changes which are editorial. For the most part they consist of changes in or the deletion of NG or US footnotes to the table. Several of these resulted from WARC changes in band limits; some footnotes were obsolete, their termination dates having passed; others have the same terms applicable to different bands have been combined; where practicable, notes have been expanded to state specifically the band or bands to which they apply; and still others have been found unnecessary. In the last category are notes such as US38, which have been deleted. Footnote US38 stated, with no additional qualifications or limitations, such as secondary status, "The non-Government use of the band 1300–1350 MHz is limited to the aeronautical radionavigation service." Since column 8 of the table for that frequency band shows the aeronautical radionavigation service as the only one allocated for non-Government use, the note was clearly redundant.

40. This proposal to amend the Commission's rules is issued under the authority of sections 4(i), 303(c) and 303(r) of the Communications Act of 1934, as amended.

41. Comments in support of or in opposition to the proposed amendments may be filed on or before September 29, 1972. Reply comments may be filed on or before October 10, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

42. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

43. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 14, 1972.

Released: July 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 is amended as follows:

§ 2.1 [Amended]

1. Section 2.1 is amended as follows:

a. The definitions of the following terms are deleted:

Communication-satellite earth station
Communication-satellite service

[1] Commissioner Johnson concurring in the result: Commissioner Hooks not participating.

Communication-satellite space station
Meteorological-satellite earth station
Meteorological-satellite space station
Radionavigation-satellite earth station
Radionavigation-satellite space station
Space research earth station
Space research space station
Space service
Stationary satellite
Terrestrial service

b. The following definitions are amended to read as set forth below:

Deep space. Space at distances from the earth approximately equal to, or greater than, the distance between the earth and the moon.

Earth station. A station located either on the earth's surface or within the major portion of the earth's atmosphere intended for communication: With one or more space stations; or with one or more stations of the same kind by means of one or more passive satellites or other objects in space.

Meteorological-satellite service. An earth exploration-satellite service for meteorological purposes.

Radionavigation-satellite service. A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the earth's surface, in the air or in space.

Spacecraft. A manmade vehicle which is intended to go beyond the major portion of the earth's atmosphere.

Space research service. A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

Space station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

Terrestrial station. A station effecting terrestrial radiocommunication.

c. The following new definitions are added in proper alphabetical sequence:

Aeronautical mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

Aeronautical radionavigation-satellite service. A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

Amateur-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

Broadcasting-satellite service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

NOTE: In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

Community reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennas larger than those used for individual reception, and intended for use: By a group of the general public at one location, or through a distribution system covering a limited area.

Earth exploration-satellite service. A radiocommunication service between earth stations and one or more space stations in which: Information relating to the characteristics of the earth and its natural phenomena is obtained from instruments on earth satellites; similar information is collected from airborne or earth-based platforms; such information may be distributed to earth stations within the system concerned; platform interrogation may be included.

Fixed-satellite service. A radiocommunication service: Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the intersatellite service; for connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

Geostationary satellite. A satellite, the circular orbit which lies in the plane of the earth's equator and which turns about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation. The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit".

Individual reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennas.

Intersatellite service. A radiocommunication service providing links between artificial earth satellites.

Land mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on land.

Maritime mobile-statellite service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

Maritime radionavigation - satellite service. A radionavigation-satellite service in which mobile earth stations are located on board ships.

Mobile-statellite service. A radiocommunication service: Between mobile earth stations and one or more space stations; or between space stations used by this service; or between mobile earth stations by means of one or more space stations; and if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

Radiodetermination-satellite service. A radiocommunication service involving the use of radiodetermination and the use of one or more space stations.

Satellite system. A space system using one or more artificial earth satellites.

Space operation service. A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand. These functions will normally be provided within the service in which the space station is operating.

Space radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

Space system. Any group of cooperating earth and/or space stations employing space radiocommunication for specific purposes.

Standard frequency-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

Terrestrial radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy.

2. Section 2.100 is amended to read as follows:

§ 2.100 International regulations in force.

The radio regulations (Geneva, 1959), which became effective internationally on May 1, 1961, were incorporated to the extent practicable in Subparts A and B of this part and became effective nationally on December 1, 1961. The radio regulations were subsequently revised, in part, by the Extraordinary Administrative Radio Conference (EARC) (Geneva, 1963), again by the EARC (Geneva, 1966), and again by the World Administrative Radio Conference (WARC) (Geneva, 1967). Subparts A and B of this part were amended, as appropriate, to reflect those partial revisions. The radio regulations were again revised, in part, by the WARC (Geneva, 1971) which specified January 1, 1973 as the effective date of the revision. This last partial revision has also been incorporated, to the extent practicable, in Subparts A and B of this part and is applicable nationally, effective January 1, 1973.

3. Section 2.106 is amended as follows:

a. The table is amended, in part, to read as follows:

§ 2.106 Table of frequency allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of Station	Frequency (kHz)	Nature of SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
2170-2194	MOBILE (distress and calling). (201) (201A)					• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
2495-2505		2495-2505 (203) (203A)	STANDARD FREQUENCY.			2495-2505	STANDARD FREQUENCY.	Standard frequency.	2500	Standard frequency.
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
2850-3025	AERONAUTICAL MOBILE. (R) (201A)					• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
4995-5005	STANDARD FREQUENCY. (203A) (210)					4995-5005	STANDARD FREQUENCY	Standard frequency.	5000	Standard frequency.
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
5450-5680	AERONAUTICAL MOBILE. (R) (201A)					• • •	• • •	• • •	• • •	• • •
5680-5730	AERONAUTICAL MOBILE. (OR) (201A)					• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
7000-7100	AMATEUR. AMATEUR-SATELLITE.					7000-7100	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE. (NG62)
7100-7300		7100-7300	AMATEUR.			7100-7300	AMATEUR.	Amateur.		AMATEUR. (NG62)
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
8195-8815	MARITIME MOBILE. (201A) (213)					• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
9995-10005	STANDARD FREQUENCY. (201A) (203A) (214)					9995-10005 (US201)	STANDARD FREQUENCY.	Standard frequency.	10000	Standard frequency.
10005-10100	AERONAUTICAL MOBILE. (R) (201A)					• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
14000-14250	AMATEUR. AMATEUR-SATELLITE.					14000-14250	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
14250-14350	AMATEUR. (218)					14250-14350	AMATEUR.	Amateur.		AMATEUR.
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
14990-15010	STANDARD FREQUENCY. (201A) (203A) (219)					14990-15010 (US201)	STANDARD FREQUENCY.	Standard frequency.	15000	Standard frequency.
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (kHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
15450-16460	FIXED.					15450-16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
18030-18052	FIXED.					18030-19990	FIXED:	Fixed:		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
18052-18068	FIXED. Space research:									
18068-19990	FIXED.									
19990-20010	STANDARD FREQUENCY. (201A) (203A) (220)					19990-20010 (US204)	STANDARD FREQUENCY.	Standard frequency:	20000	Standard frequency:
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
21000-21450	AMATEUR. AMATEUR-SATELLITE.					21000-21450	AMATEUR. AMATEUR-SATELLITE:	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
21850-21870	RADIO ASTRONOMY. (221B)					21850-21870 (US74)	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
21870-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21870-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
23350-24990	FIXED, LAND MOBILE: (222) (222A)					* * *	* * *	* * *	* * *	* * *
* * * Band (MHz)	* * *	* * * Band (MHz)	* * *	* * * Band (MHz)	* * *	* * * Band (MHz)	* * *	* * *	* * * Frequency (MHz)	* * *
24.99-25.01	STANDARD FREQUENCY: (203A) (223)			24.99-25.01	G, NG.	24.99-25.01	STANDARD FREQUENCY:	Standard frequency.	25.0	Standard frequency:
* * *		* * *	* * *	* * *	* * *	* * *	* * *	* * *		* * *
23.0-29.7	AMATEUR. AMATEUR-SATELLITE.			23.0-29.7	AMATEUR. AMATEUR-SATELLITE.(US1)	23.0-29.7	AMATEUR. AMATEUR-SATELLITE:	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE:
* * *		* * *		* * *	* * *	* * *	* * *	* * *		* * *
30.005-30.01	FIXED. (223) (229) (231) MOBILE: SPACE OPERATION (Satellite identification). SPACE RESEARCH:	* * *	* * *	* * *	* * *	* * *				* * *
30.01-37.75	FIXED: (228) (229) (230) (231) MOBILE (233A)			* * *	* * *	* * *	* * *	* * *	* * *	* * *

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (kHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature (OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
149.9-150.05 (285B) (285C)	RADIONAVIGATION-SATELLITE.	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
150.05-174		150.05-174	FIXED. MOBILE.	* * *	* * *	* * *	* * *	* * *	* * *	* * *
						152.885-153.7325	* * *	* * *	* * *	* * *
					(US77)	* * *	* * *	* * *	* * *	* * *
						156.250-157.0375	* * *	* * *	* * *	* * *
									* * *	* * *
									156.550	MARITIME MOBILE: (NG24)
									156.575	MARITIME MOBILE:
									156.600	Do.
									156.625	Do.
									156.650	Do.
									156.675	Do.
									156.700	Do.
									156.725	Do.
									156.750	Do.
(301A) (267)					(US106) (US107)				156.800	MARITIME MOBILE (distress, safety and calling).
									156.850	MARITIME MOBILE:
									* * *	* * *
									* * *	* * *
(267A)		(257A)		157.0375-157.1875	G.					
				157.1875-162.0125	NG. (US77) (US200)	* * *	* * *	* * *	* * *	* * *
		(233A)		162.0125-173.2		* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
225-235		225-235	FIXED. MOBILE.	225-328.6 (308A) (310) (US95)	G.					
235-267	FIXED. MOBILE. (301A) (305) (305A) (308A) (309)								243	Survival craft and equipment.
267-272	FIXED. MOBILE. Space operation (Telemetering). (308A) (309A) (309B)									
272-273	FIXED. MOBILE. SPACE OPERATION (Telemetering). (308A) (309A)									
273-328.6	FIXED. MOBILE. (308A) (310) (310A)									

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature (OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
37.75-38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy. (233B)			* * *	* * *	* * *	* * *	* * *	* * *	* * *
38.25-41.0 (235) (236) (236A)	FIXED. (228) (229) (230) (231) MOBILE.									
41-50		41-50	FIXED. (228) (231) (237) MOBILE. (233A) (236A)	* * *	* * *	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
117.975-132	AERONAUTICAL MOBILE. (R) (201A) (273) (273A)			* * *	* * *	* * *	* * *	* * *	* * *	* * *
132-136	AERONAUTICAL MOBILE. (R) (273A) (274) (274A) (274B) (275)			* * *	G, NG.	* * *	* * *	* * *	* * *	* * *
136-137	SPACE RESEARCH (Space-to-earth). (281A) (281AA)			136-137	G, NG.	136-137	SPACE RESEARCH.	Space.		Space.
137-138	METEOROLOGICAL SATELLITE. SPACE OPERATION (Telemetering and tracking). SPACE RESEARCH (Space-to-earth). (275A) (279A) (281C) (281E)			137-138	G, NG.	137-138	METEOROLOGICAL-SATELLITE. SPACE OPERATION. SPACE RESEARCH.	Space.		Space.
138-143.6		138-143.6	FIXED. MOBILE. *Radiolocation.* Space research (Space-to-earth). (283A)	* * *	* * *	* * *	* * *	* * *	* * *	* * *
143.6-143.65		143.6-143.65	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth). *Radiolocation.* (283A)							
143.65-144		143.65-144	FIXED. MOBILE. *Radiolocation.* Space research (Space-to-earth).			* * *	* * *	* * *	* * *	* * *
144-146	AMATEUR. AMATEUR-SATELLITE.			144-146	AMATEUR. AMATEUR-SATELLITE. (US1)	144-146	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
146-148		146-148	AMATEUR.	146-148	AMATEUR. (US1)	146-148	AMATEUR.	Amateur.		AMATEUR.
148-149.9 (285A)		148-149.9 (285A)	FIXED. MOBILE.	148-149.9 (285A) (US10)	G.				148.15	Civil air patrol land; civil air patrol mobile.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
328.6-335.4	AERONAUTICAL RADIONAVIGATION. (311)			328.6-335.4	* * *	* * *	* * *	* * *	* * *	* * *
335.4-399.9	FIXED. MOBILE. (308A)			335.4-399.9	G. (308A)					
399.9-400.05	RADIONAVIGATION-SATELLITE. (285C) (311A)			* * *	* * *	* * *	* * *	* * *	* * *	* * *
400.05-400.15	STANDARD FREQUENCY-SATELLITE. (312B)			400.05-400.15	G. (312B)	400.05-400.15	STANDARD FREQUENCY-SATELLITE.	Space.	400.1	Standard frequency.
400.15-401	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.15-401	G, NG.	400.15-401	* * *	* * *	* * *	* * *
401-402 (315C)	METEOROLOGICAL AIDS. SPACE OPERATION (Telemetering). (315A) Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.			401-402	G, NG. (315C)	401-402	METEOROLOGICAL AIDS. (US70) SPACE OPERATION (Telemetering). (315A) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde. Space.		Earth. Radiosonde. Space.
402-403 (315C)	METEOROLOGICAL AIDS. Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.			402-403	G, NG. (315C)	402-403	METEOROLOGICAL AIDS. (US70) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde.		Earth. Radiosonde.
403-406	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			403-406	G, NG.	403-406	METEOROLOGICAL AIDS (US70)	Radiosonde.		Radiosonde.
406-406.1	MOBILE-SATELLITE (Earth-to-space). (317A) (317B)			406-406.1	G, NG. (317A)	406-406.1	MOBILE-SATELLITE (Earth-to-space).	Earth.		Emergency position-indicating radio-beacon.
406.1-410 (233B)	FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY			406.1-410	G, NG. (US13) (US74) (US117)	406.1-410	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
410-420	FIXED. MOBILE except aeronautical mobile.			410-420	G. (US13)					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
420-450 (320A)		420-450	RADIOLOCATION. Amateur. (318) (319A) (319B) (320A)	420-450	G, NG. (US35) (US87)	420-450	Amateur. (US7) Amateur-Satellite. (320A)	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE:
450-460 (318) (319A)	FIXED. MOBILE.			450-470 (US87)	NG.	* * *	* * *	* * *	* * *	* * *
460-470 (324B)	FIXED. MOBILE. Meteorological-Satellite (Space-to-earth). (318A).			(US100) (US201)		* * *	* * *	* * *	* * *	* * *
470-890 (332A)		470-890 (320A) (332) (332A)	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
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1215-1300	* * *	* * *	* * *	* * *	G, NG. (US31)	* * *	* * *	* * *	* * *	* * *
1300-1350	* * *	* * *	* * *	1300-1350	G, NG.	* * *	* * *	* * *	* * *	* * *
1350-1400		1350-1400 (349) (349A)	* * *	* * *	* * *					
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
1427-1429	FIXED. MOBILE except aeronautical mobile: SPACE OPERATION (Telecommand).			1427-1429	G, NG.	1427-1429	SPACE OPERATION. Fixed (Telemetering). Land mobile (Telemetering and telecommand).	Earth. Telemetering fixed. Telemetering land. Telemetering mobile:		Earth (telecommand). Telemetering fixed. Telemetering land. Telemetering mobile:
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
1435-1525		1435-1525	MOBILE. Fixed.	1435-1535	G, NG. (US78)	1435-1535	MOBILE.	Aeronautical telemetering.		AVIATION:
1525-1535		1525-1535	SPACE OPERATION (Telemetering). (350A) Earth exploration-satellite. Fixed. Mobile. (350D)							
1535-1542.5	MARITIME MOBILE-SATELLITE. (352) (352D) (352E)			1535-1542.5	G, NG. (352E) (US39)	1535-1542.5	MARITIME MOBILE-SATELLITE.	Coast. Ship. Space.		MARITIME MOBILE-SATELLITE.
1542.5-1543.5	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (352) (352D) (352F)			1542.5-1543.5	G, NG. (352F) (US39)	1542.5-1543.5	AERONAUTICAL MOBILE SATELLITE. (R) MARITIME MOBILE-SATELLITE.	Aeronautical: Aircraft. Coast. Ship. Space.		AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE.
1543.5-1558.5	AERONAUTICAL MOBILE-SATELLITE. (R) (352) (352D) (352G)			1543.5-1558.5	G, NG. (352G) (US39)	1543.5-1558.5	AERONAUTICAL MOBILE SATELLITE. (R)	Aeronautical. Aircraft. Space.		AERONAUTICAL MOBILE-SATELLITE. (R)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
1558.5-1636.5	AERONAUTICAL RADIONAVIGATION. (352)(352A) (352B) (352D) (352K)			1558.5-1636.5	G, NG. (352A) (352B) (US30) (US30A) (US208)	1558.5-1592.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		
						1592.5-1622.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		Collision avoidance. (Provisional).
						1622.5-1636.5	AERONAUTICAL RADIONAVIGATION.			
1636.5-1644	MARITIME MOBILE-SATELLITE. (352) (352D) (352H)			1636.5-1644	G, NG. (352H) (US39)	1636.5-1644	MARITIME MOBILE-SATELLITE.	Earth. Ship.		MARITIME MOBILE-SATELLITE.
1644-1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (352) (352D) (352I)			1644-1645	G, NG. (352I) (US39)	1644-1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE.	Aircraft. Earth. Ship.		AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE-SATELLITE.
1645-1660	AERONAUTICAL MOBILE-SATELLITE. (R) (352) (352D) (352J)			1645-1660	G, NG. (352J) (US39)	1645-1660	AERONAUTICAL MOBILE-SATELLITE. (R)	Aircraft. Earth.		AERONAUTICAL MOBILE-SATELLITE. (R)
1660-1670	METEOROLOGICAL AIDS. RADIO ASTRONOMY. (353A) (354) (354A) (354B)			1660-1670	G, NG. (US74) (US99) (US100)	1660-1670	METEOROLOGICAL AIDS. RADIO ASTRONOMY.	Radio astronomy. Radiosonde.		Radio astronomy. Radiosonde.
1670-1690	FIXED. METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Space-to-earth) (324A) MOBILE except aeronautical mobile. (354)			1670-1690	G, NG. (324A)	1670-1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1690-1700		1690-1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Space-to-earth). (324B) (354A) (354C)	1690-1700	G, NG. (324B) (US99) (US100)	1690-1700	METEOROLOGICAL AIDS. METEOROLOGICAL SATELLITE.	Radiosonde. Space.		
1700-1710		1700-1710	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth) (354D)	1700-1710	G, NG.	1700-1710	SPACE RESEARCH.	Space.		
1710-1770		1710-1770	FIXED. MOBILE. (352K) (356A)	1710-1850	G. (US100)					
1770-1790 (356AA)		1770-1790	FIXED. MOBILE. Meteorological-Satellite. (356AA) (356A)							
1790-2290 (356AB) (356ABA)		1790-2290	FIXED. MOBILE. (356A) (356AB) (356ABA)	1850-2200	NG. (US90) (US96) (US111)	• • •	• • •	• • •		
				2200-2290	G.					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
2290-2300		2290-2300	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).	2290-2300	G, NG.	2290-2300	SPACE RESEARCH.	Space.		
2300-2450 (357)		* * *	* * *	* * *	G, NG. (US34)	* * *	* * *	* * *	* * *	* * *
2450-2500		2450-2500 (357)	FIXED. MOBILE. RADIOLOCATION.	* * *	* * *	* * *	* * *	* * *	* * *	* * *
2500-2550 (361A) (361B) (364C)		2500-2535	BROADCASTING-SATELLITE. (361B) FIXED. (364C) FIXED-SATELLITE (Space-to-earth). MOBILE except aeronautical mobile. (361A) (364E)	2500-2655	NG. (NG8) (NG47) (NG101) (NG102) (US205)	2500-2655	BROADCASTING-SATELLITE. FIXED.	Instructional television fixed. Operational fixed. Space.		BROADCASTING-SATELLITE. FIXED. FIXED SATELLITE (in Alaska).
		2535-2550	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile. (361A)							
2550-2655	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile. (364)									
2655-2690 (361B) (364C) (364D) (364G) (364H)		2655-2690	BROADCASTING-SATELLITE. (361B) (364H) FIXED. (364C) (364D) FIXED-SATELLITE (Earth-to-space). MOBILE except aeronautical mobile. (364E) (364G)	2655-2690	NG. (NG8) (NG47) (NG101) (NG102) (US205)	2655-2690	BROADCASTING-SATELLITE. FIXED.	Instructional television fixed. Operational fixed. Space. Earth.		BROADCASTING-SATELLITE FIXED. FIXED-SATELLITE (in Alaska).
2690-2700 (233B) (364A)	RADIO ASTRONOMY.			* * *	* * *	* * *	* * *	* * *	* * *	* * *
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3300-3400		3300-3400	RADIOLOCATION. Amateur.	3300-3500	G, NG. (US108)	* * *	* * *	* * *		* * *
3400-3500		3400-3500	FIXED-SATELLITE (Space-to-earth). RADIOLOCATION. Amateur.							
3500-3700		3500-3700	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE. RADIOLOCATION.	* * *	* * *	* * *	* * *	* * *	* *	* * *

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz) 1	Service 2	Band (MHz) 3	Service 4	Band (MHz) 5	Allocation 6	Band (MHz) 7	Service 8	Class of station 9	Frequency (MHz) 10	(OF Naturo (SERVICES (of stations 11
3700-4200		3700-4200	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.	3700-4200	NG.	3700-4200	FIXED. FIXED-SATELLITE.	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
4200-4400 (352A) (379A)	AERONAUTICAL RADIONAVIGATION.			* * *	G, NG. (US47)	* * *	* * *	* * *	* * *	* * *
4400-4700	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			4400-4990	G. (US203)					
4700-4990 (233B) (382A) (382B)	FIXED. MOBILE.									
	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
5000-5250 (352A) (352B) (383B)	AERONAUTICAL RADIONAVIGATION.			5000-5250	G, NG. (352A) (352B) (383B) (US118)	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *		* * *	* * *
5650-5670	* * *			5650-5925	G, NG. (391) (US34) (US100)	* * *	* * *	* * *	* * *	* * *
5670-5725 (389A)	* * *									
5725-5925 (391)		* * *	* * *							
5925-6425	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			5925-6425	NG.	5925-6425	FIXED. FIXED-SATELLITE.	Common carrier fixed. Fixed earth.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
6425-7250 (379A) (392AA) (392B) (393)	FIXED. MOBILE.			6425-7125	NG.	6425-6525	* * *	* * *		
						6525-6575	* * *	* * *		
						6575-6625 (NG8)	FIXED.	International control. Operational fixed.		
						6625-6875 (NG8)	FIXED. FIXED-SATELLITE. (NG103)	International control. Operational fixed. Space.		
						6875-7125 (NG11)	FIXED. FIXED-SATELLITE. (NG103) MOBILE.	Space. Television pickup. Television STL.		
				7125-7250	G. (392B)					
7250-7300 (392D) (392G)	FIXED-SATELLITE (Space-to-earth).			7250-7300	G. (392D) (US100)					

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Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature (OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
7300-7450 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			7300-7750	G. (392D)					
7450-7550 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). METEOROLOGICAL-SATELLITE (Space-to-earth). MOBILE.									
7550-7750 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.									
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7900-7975	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			7900-7975	G.					
7975-8025 (392H)	FIXED-SATELLITE (Earth-to-space).			7975-8025	G. (US100)					
8025-8175		8025-8175	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.	8025-8400	G.					
8175-8215		8175-8215	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). METEROLOGICAL SATELLITE (Earth-to-space). MOBILE.							
8215-8400		8215-8400	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.							
8400-8500 (394A) (394D)	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).			8400-8500	G, NG.	8400-8500	SPACE RESEARCH.	Space.		
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9000-9200	* * *	* * *	* * *	* * *	* * *	* * *	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US48)			
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Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz) 1	Service 2	Band (MHz) 3	Service 4	Band (MHz) 5	Allocation 6	Band (MHz) 7	Service 8	Class of station 9	Frequency (MHz) 10	(OF Nature (SERVICES (of stations 11
9800-9500 (399)	* * *	* * *	* * *	* * *	* * *	* * *	RADIONAVIGATION: (US60) (US71) Meteorological aids (US67). Radiolocation. (US81)			
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
10.55-10.6	FIXED. MOBILE. Radiolocation:			10.55-10.68	NG.	10.55-10.68	MOBILE.	Operational land: Operational Mobile:		
10.6-10.68	FIXED: MOBILE: RADIO ASTRONOMY: Radiolocation:									
* * *	* * *			* * *	* * *	* * *		* * *		* * *
10.7-10.95	FIXED. MOBILE.			10.7-11.7	NG.	10.7-10.95	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC: (NG41).
10.95-11.2		10.95-11.2	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			10.95-11.2	FIXED. FIXED-SATELLITE. (NG104).	Common carrier fixed. Space.		DOMESTIC PUBLIC: (NG41). FIXED-SATELLITE:
11.2-11.45	FIXED. MOBILE:					11.2-11.45	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41).
11.45-11.7	FIXED: FIXED-SATELLITE (Space-to-earth): MOBILE.					11.45-11.7	FIXED. FIXED-SATELLITE. (NG104)	Common carrier fixed. Space.		DOMESTIC PUBLIC: (NG41) FIXED-SATELLITE:
11.7-12.2		11.7-12.2 (405BB) (405BC)	BROADCASTING. BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE except aeronautical mobile.	11.7-12.2	NG. (405BC).	11.7-12.2	BROADCASTING-SATELLITE. FIXED-SATELLITE. Mobile.	Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		
12.2-12.5		12.2-12.5	BROADCASTING. FIXED. MOBILE except aeronautical mobile.	12.2-12.75	NG.	12.2-12.5 (NG8) (NG52)	FIXED.	International control. Operational fixed.		
12.5-12.75		12.5-12.75	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE except aeronautical mobile:			12.5-12.7 (NG8) (NG52)	FIXED. FIXED-SATELLITE.	Earth. International control. Operational fixed.		
						12.7-12.75	FIXED. FIXED-SATELLITE. MOBILE.	Community antenna relay. Earth. Television intercity relay. Television pickup. (NG53) Television STL:		

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1	2	3	4	5	6	7	8	9	10	11
12.75-13.25	FIXED. MOBILE.			12.75-13.25	NG.	12.75-12.95	FIXED. MOBILE:	Community antenna relay. Television intercity relay. Television pickup: (NG53) Tele.ision STL.		
						12.95-13.2 (NG11)	* * *	* * *	* * *	* * *
						13.2-13.25	*	*	*	*
13.25-13.4 (407A)	AERONAUTICAL RADIONAVIGATION. (406)			13.25-13.4	G, NG.	13.25-13.4	AERONAUTICAL RADIO NAVIGATION (406). Space research:			Airborne doppler radar: Earth.
13.4-14.0 (407A)	RADIOLOCATION:			* * *	* * *	* * *	Radiolocation. Space research:	Earth. Radiolocation land. Radiolocation mobile:		
14.0-14.3 (407A)	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION. (408A)			14.0-14.2	G, NG. (US207)	14.0-14.2	FIXED-SATELLITE. RADIONAVIGATION: Space research.	Earth. Radionavigation land. Radionavigation mobile:		
				14.2-14.3	G, NG. (US207)	14.2-14.3	FIXED-SATELLITE. RADIONAVIGATION.	Earth. Radionavigation land. Radionavigation mobile:		
14.3-14.4	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION-SATELLITE. (408A).			14.3-14.4	G, NG. (US206) (US207)	14.3-14.4	FIXED-SATELLITE:	Earth.		
14.4-14.5 (408B) (408C)	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			14.4-14.5	G, NG. (US203) (US207)	14.4-14.5	FIXED-SATELLITE. Space research.	Earth. Space.		FIXED-SATELLITE (Earth-to-space). SPACE RESEARCH (Space-to-earth).
14.5-15.35 (408B) (408C)	FIXED. MOBILE:			14.5-15.35	G. (US203)					
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17.7-19.7	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			17.7-19.7	NG.	17.7-19.7	FIXED. FIXED-SATELLITE. MOBILE.	Common carrier fixed. Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		
19.7-21.2 (409E)	FIXED-SATELLITE (Space-to-earth).			19.7-20.2	NG.	19.7-20.2	FIXED-SATELLITE.	Space.		
				20.2-21.2	G.					
21.2-22.0	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. MOBILE:			21.2-22.0	G, NG.	21.2-22.0	EARTH EXPLORATION-SATELLITE: FIXED. MOBILE:	Fixed. Mobile except aeronautical mobile. Space.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature (OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
22.0-22.5 (410A)	FIXED. MOBILE.			22.0-23.6	G, NG. (410A)	22.0-23.6	FIXED. MOBILE.	Fixed. Mobile except aeronautical mobile.		
22.5-23.0		22.5-23.0	FIXED. MOBILE.							
23.0-23.6	FIXED. MOBILE.									
23.6-24.0	RADIO ASTRONOMY.			23.6-24.0	G, NG. (US72) (US74)	23.6-24.0	RADIO ASTRONOMY.			
24.0-24.05 (410C)	AMATEUR. AMATEUR-SATELLITE.			24.0-24.05	AMATEUR. AMATEUR-SATELLITE. (US72) (US202)	24.0-24.05	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		
24.05-24.25 (410C)	RADIOLOCATION. Amateur.			24.05-24.25	G, NG. (US72) (US110) (US202)	24.05-24.25	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.	24.125	Industrial, scientific and medical equipment.
...	...	...	...	...	...	...	...	...	...	...
25.25-27.5	FIXED. MOBILE.			25.25-27.5	G.					
27.5-29.5	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			27.5-29.5	NG.	27.5-29.5	FIXED. FIXED-SATELLITE. MOBILE.	Common carrier fixed. Common carrier land. Common carrier mobile (except aeronautical mobile). Earth.		
29.5-31.0	FIXED-SATELLITE (Earth-to-space).			29.5-30.0	NG.	29.5-30.0	FIXED-SATELLITE.	Earth.		
				30.0-31.0	G.					
31.0-31.3 (412H) (412I)	FIXED. MOBILE. Space research.			31.0-31.2	NG. (US100)	31.0-31.2	FIXED. MOBILE.			
				31.2-31.5	G, NG. (US74) (US100)	31.2-31.5	RADIO ASTRONOMY.			
31.3-31.5 (412A)	RADIO ASTRONOMY.									
...	...	...	...	...	...	...	...	...	...	...
36.0-40.0 (391A) (412E)	FIXED. MOBILE.			...	...	...	...	...	...	...
40.0-41.0	FIXED-SATELLITE (Space-to-earth).			40.0-41.0	G, NG.	41.0-41.0	FIXED-SATELLITE.	Space.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature (OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
41.0-43.0	BROADCASTING-SATELLITE.			41.0-43.0	NG;	41.0-43.0	BROADCASTING-SATELLITE.	Space;		
43.0-48.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			43.0-48.0	G, NG;	43.0-48.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
48.0-50.0	Not Allocated;			48.0-50.0	G, NG;	48.0-50.0		Amateur. Experimental;		
50.0-51.0	FIXED-SATELLITE. (Earth-to-space).			50.0-51.0	G, NG;	50.0-51.0	FIXED-SATELLITE.	Earth;		
51.0-52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			51.0-52.0	G, NG;	51.0-52.0	EARTH EXPLORATION SATELLITE. SPACE RESEARCH.			
52.0-54.25 (412J)	SPACE RESEARCH (Passive).			52.0-54.25	G, NG; (412J)	52.0-54.25	SPACE RESEARCH.			
54.25-58.2	INTER-SATELLITE			54.25-58.2	G.					
58.2-59.0 (412J)	SPACE RESEARCH (Passive).			58.2-59.0	G, NG; (412J)	58.2-59.0	SPACE RESEARCH.			
59.0-64.0	INTER-SATELLITE			59.0-64.0	G.					
64.0-65.0 (412J)	SPACE RESEARCH (Passive).			64.0-65.0	G, NG. (412J)	64.0-65.0	SPACE RESEARCH.			
65.0-66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			65.0-66.0	G, NG;	65.0-66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
66.0-71.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			66.0-71.0	G, NG;	66.0-71.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
71.0-84.0	Not Allocated.			71.0-84.0	G, NG.	71.0-84.0		Amateur. Experimental.		
84.0-86.0	BROADCASTING-SATELLITE.			84.0-86.0	NG;	84.0-86.0	BROADCASTING-SATELLITE.	Space.		
86.0-92.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive);			86.0-92.0	G, NG. (412J) (US74)	86.0-92.0	RADIO ASTRONOMY SPACE RESEARCH.			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Naturo (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
92.0-95.0	FIXED-SATELLITE (Earth-to-space).			92.0-93.0	G.					
				93.0-95.0	G, NG.	93.0-95.0	FIXED-SATELLITE.	Earth.		
95.0-101.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			95.0-101.0	G, NG.	95.0-101.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			
101.0-102.0 (412J)	SPACE RESEARCH (Passive).			101.0-102.0	G, NG. (412J)	101.0-102.0	SPACE RESEARCH.			
102.0-105.0	FIXED-SATELLITE (Space-to-earth).			102.0-103.0	G.					
				103.0-105.0	G, NG.	103.0-105.0	FIXED-SATELLITE.	Space.		
105.0-130.0 (412K)	INTER-SATELLITE.			105.0-110.0	G.					
				110.0-117.5	G, NG. (412K)	110.0-117.5	INTER-SATELLITE.	Space.		
				117.5-122.5	G.					
				122.5-130.0	G, NG.	122.5-130.0	INTER-SATELLITE.	Space.		
130.0-140.0 (412J)	RADIO ASTRONOMY. (Passive).			130.0-140.0	G, NG. (412J) (US74).	130.0-140.0	RADIO ASTRONOMY. SPACE RESEARCH.			
140.0-142.0	FIXED-SATELLITE. (Earth-to-space).			140.0-141.0	G.					
				141.0-142.0	G, NG.	141.0-142.0	FIXED-SATELLITE.	Earth.		
142.0-150.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			142.0-150.0	G, NG.	142.0-150.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			
150.0-152.0	FIXED-SATELLITE (Space-to-earth).			150.0-151.0	G.					
				151.0-152.0	G, NG.	151.0-152.0	FIXED-SATELLITE.	Space.		
152.0-170.0	Not Allocated.			152.0-170.0	G, NG.	152.0-170.0		Amateur. Experimental.		
170.0-182.0	INTER-SATELLITE.			170.0-175.0	G.					
				175.0-182.0	G, NG.	175.0-182.0	INTER-SATELLITE.	Space.		
182.0-185.0 (412J)	SPACE RESEARCH (Passive).			182.0-185.0	G, NG. (412J)	182.0-185.0	SPACE RESEARCH.			
185.0-190.0	INTER-SATELLITE.			185.0-189.0	G, NG.	185.0-189.0	INTER-SATELLITE.	Space.		
				189.0-190.0	G.					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	(OF Nature (SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
190.0-200.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			190.0-200.0	G, NG.	190.0-200.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			
200.0-220.0	Not Allocated.			200.0-220.0	G, NG.	200.0-220.0		Amateur. Experimental.		
220.0-230.0	FIXED-SATELLITE.			220.0-230.0	G, NG.	220.0-230.0	FIXED-SATELLITE.			
230.0-240.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			230.0-240.0	G, NG. (412J) (US74)	230.0-240.0	RADIO ASTRONOMY. SPACE RESEARCH.			
240.0-250.0	Not Allocated.			240.0-250.0	G, NG.	240.0-250.0		Amateur. Experimental.		
250.0-265.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			250.0-265.0	G, NG.	250.0-265.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			
265.0-275.0	FIXED-SATELLITE.					265.0-275.0	FIXED-SATELLITE.			265.0-275.0 G, NG.
Above 275.0		Amateur. Experimental.				Above 275.0	Not Allocated.			Above 275.0 G, NG.

b. In the list of footnotes immediately following the table in § 2.106, the following Geneva footnotes are deleted:

(204), 215), (215A), (221), (221A), (276), (281B), (281F), (284A), (317), (355A), (356B), (365), (374A), (392A), (392C), (392F), (394C), (409A), (409D), and (410).

c. The following Geneva footnotes to the table in § 2.106 are amended to read:

(235) The band 39.986–40.020 MHz is also allocated on a secondary basis to the space research service.

(281E) In Malaysia, Pakistan, and the Philippines, the band 137–138 MHz is also allocated to the fixed and mobile services.

(285A) The band 148–149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected. The bandwidth of an individual transmission shall not exceed ±15 kHz.

(285B) In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania, and Yugoslavia, the band 149.90–150.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(310) Radio astronomy observations in the band 322–328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radioastronomy service in using this band.

(311A) In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran, Kuwait, Lebanon, the United Arab Republic, Syria, and Yugoslavia, the band 399.9–400.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(318) Radio altimeters may also be used until December 31, 1974, in the band 420–460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

(319A) The band 449.75–450.25 MHz may be used for space telecommand and space research (earth-to-space), subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(340) In Region 2, the frequency 915 MHz is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radio communication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(350A) Space stations employing frequencies in the band 1525–1535 MHz for telemetering purposes may also transmit tracking signals in this band.

(352A) The bands 1558.5–1636.5 MHz, 4200–4400 MHz, 5000–5250 MHz and 15.4–15.7 GHz are reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1558.5–1636.5 MHz, 5000–5250 MHz and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radio communication techniques. Such use and development is subject to agreement and coordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(353A) In view of the successful detection of two hydroxyl spectral lines in the regions of 1665 MHz and 1667 MHz by astronomers, administrations are urged to give all practicable protection in the band 1660–1670 MHz for future research in radioastronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1664.4–1668.4 MHz as soon as practicable.

(354A) In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tanzania, Czechoslovakia, the U.S.S.R., and Yugoslavia, the bands 1660–1670 MHz and 1690–1700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(356A) In Region 2, in Australia and Japan, the band 1750–1850 MHz may also be used for earth-to-space transmissions, and in Regions 2 and 3 the band 2200–2290 MHz may also be used for space-to-earth transmissions, in the space research service subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(364A) In Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 2690–2700 MHz is also allocated to the fixed and mobile services.

(383A) In Cuba, the band 4990–5000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

(392B) The band 7145–7235 MHz may be used for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(392D) As an exception, passive fixed-satellite systems also may be accommodated in the band 7250–7750 MHz subject to:

(a) Agreement between the administrations concerned and those services, operating in accordance with the table, may be affected;

(b) The co-ordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power flux density limitations at the earth's surface after reflection from the passive fixed-satellites shall not exceed those prescribed in these regulations for active fixed-satellite systems.

d. The following new Geneva footnotes are added in proper numerical sequence:

(201A) The frequencies 2182 kHz, 3023.5 kHz, 5680 kHz, 8364 kHz, 121.5 MHz, 156.8 MHz, and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10,003 kHz, 14,993 kHz and 19,993 kHz, but in these cases emissions must be confined in a band of ±3 kHz about the frequency.

(203A) The bands 2501–2502 kHz, 5003–5005 kHz, 10,003–10,005 kHz, 15,005–15010 kHz, 19990–19,995 kHz, 20,005–20,010 kHz, and 25,005–25,010 kHz are also allocated, on a secondary basis, to the space research service.

(221B) In Bulgaria, Hungary, Poland, Roumania, Czechoslavakia, and the U.S.S.R. the band 21,850–21,870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations from harmful interference.

(222A) In Argentina and Uruguay the band 24,528–24,538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(233A) In Argentina and Uruguay, the bands 36.65–36.85 MHz, 41.15–41.35 MHz, and 45.65–45.85 MHz, and in Argentina, Brazil, and Uruguay the band 170.55–170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

(233B) In making assignments to stations of other services to which the bands 37.75–38.25 MHz, 150.05–153 MHz, 406.1–410 MHz, 2690–2700 MHz and 4700–5000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(236A) The band 40.980–41.015 MHz is also allocated on a secondary basis to the space research service, in particular for measurements of the differential Faraday effect.

(274A) In Regions 2 and 3, stations of the fixed and mobile services may continue to use the band 132–136 MHz until January 1, 1976. Until that date, frequency assignments to the aeronautical mobile (R) service shall be coordinated between the administrations concerned and shall be protected from harmful interference.

(274B) In Cuba and Mexico, the band 132–136 MHz is also allocated to the fixed and mobile services.

(281AA) In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia, and the U.S.S.R., the band 136–137 MHz is also allocated to the fixed and mobile services.

283A) In Argentina, the frequency 138.540 MHz±7.5 kHz and the band 143.6–143.65 MMz may be used by the space research service (telecommand), subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(285C) Emissions of the radio navigation-satellite service in the bands 149.90–150.05 MHz and 399.90–400.05 MHz may also be used by receiving earth stations of the space research service.

(287A) In the frequency bands designated for the maritime mobile service in accordance with Appendix 18 of the Radio Regulations, the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.-3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The satellite systems shall not be brought into use before January 1, 1976 (see Resolution No. Spa 2–5).

(305A) In New Zealand the band 235–239.5 MHz is also allocated to the aeronautical radio navigation service.

(308A) The bands 240–328.6 MHz and 335.4–399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(310A) In India, the band 322–328.6 MHz is also allocated to the radioastronomy service.

(312B) In this band the standard frequency is 400.1 MHz. Emissions shall be confined in a band of ±25 kHz about this frequency.

(315C) In the band 401–403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for earth-to-space transmissions on condition that no harmful interference is

caused to stations operating in accordance with the table.

(317A) The band 406–406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5 w.) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

(317B) In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia, and in the U.S.S.R., the band 406–406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

319B) In France and the French Department of Guyana (Region 2), the frequency 434 MHz±0.25 MHz may be used for space operation (earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(320A) In the band 435–438 MHz, the amateur-satellite service may be authorized, on condition that harmful interference shall not be caused to other services operating in accordance with the table. Administrations authorizing such use shall insure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1567A.

(324B) Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460–470 MHz and 1690–1700 MHz for space-to-earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the table.

(329A) In Argentina and Uruguay, the band 602–608 MHz is allocated to the radio astronomy service.

(332A) Within the frequency band 620–790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2–2 and Spa 2–3). Such stations shall not produce a power flux density in excess of the value —129 dBw/m.² for angles of arrival less than 20° (see Recommendation No. Spa 2–10) within the territories of other countries without the consent of those countries.

(349A) Radioastronomic observations on the hydrogen line displaced toward lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radioastronomy service in their future planning of the band 1350–1400 MHz.

(352E) The use of the band 1535–1542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radio determination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ships links.

(352F) The use of the band 1542.5–1543.5 MHz is limited to transmissions from space-to-earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radio determination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352G) The use of the band 1543.5–1558.5 MHz is limited to transmissons from space-to-earth stations in the aeronautical mobile-satellite (R) service for communication and/or radio determination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) services are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

(352H) The use of the band 1636.5–1644 MHz is limited to transmissions from earth-to-space stations in the maritime mobile-satellite service for communication and/or radio determination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

(352I) The use of the band 1644–1645 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radio determination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352J) The use of the band 1645–1660 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) service for communication and/or radio determination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

(352K) Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1612.231 MHz and 1720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1611.5–1612.5 MHz and 1720–1721 MHz, respectively. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the bands 1558.5–1636.5 MHz and 1710–1770 MHz.

(354D) The band 1700–1700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9–150.05 MHz and 399.9–400.05 MHz for the requirements of ionospheric investigation and geodesy.

(356AB) In Regions 2 and 3 and in Spain, in the band 2025–2120 MHz earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radio communication services in the band and subject to agreement between the administrations concerned and those having services operating to accordance with the table, which may be affected.

(356ABA) In Region 2, Australia and Spain in the band 2025–2120 MHz and in Regions 1 and 3 in the band 2110–2120 MHz earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radio communication services in these bands, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(361A) In France the band 2500–2550 MHz is also allocated on a primary basis to the radio location service and, on a secondary basis, to the fixed and mobile services. In Canada, the band 2500–2550 MHz is also allocated on a primary basis to the radio location service.

(361B) The use of the band 2500–2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2–2 and Spa 2–3). The power flux density at the earth's surface shall not exceed the values given in Nos. 470NH–470NK.

(364C) When planning new tropospheric scatter radio-relay links in the band 2500–2690 MHz, all possible measures shall be taken to avoid directing the antennae of these links toward the geostationary-satellite orbit.

(364D) Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2655–2690 MHz.

(364E) The use of the bands 2500–2535 MHz and 2655–2690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Article 9A). In the direction space-to-earth, the power flux density at the surface of the earth shall not exceed the values given in No. 470NE.

(364G) Radioastronomy observations are being carried out in the band 2670–2690 MHz in a number of countries under national arrangements. Administrations should bear in mind the needs of the radioastronomy service in their future planning of this band.

(364H) In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radioastronomy service in the band 2690–2700 MHz.

(379A) The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4202 MHz for space-to-earth transmissions and the frequency 6427 MHz for earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services operating in accordance iwth the table, which may be affected.

(382A) Radioastronomy observations on the formaldehyde line (rest frequency 4829.-649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radioastronomy service in their future planning of the band 4825–4835 MHz.

(382B) Radio astronomy observations (in the band 4950–4990 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(383B) The band 5000–5250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the earth and satellites used by the aeronautical mobile (R) service and/or the radiodetermination service. Such use and development shall be subject to agreement and co-ordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(391A) Radio astronomy observations are being carried out in the bands 5750–5770 MHz and 36.458–36.488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

(392AA) In Brazil, Canada, and the United States of America, the band 6625–7125 MHz is also allocated on a secondary

basis to the fixed-satellite service for space-to-earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB dower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

(405BB) Terrestrial radio communication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radio communication services, so as to ensure compatibility betwen the uses that each country decides for this band.

(405BC) The use of the band 11.7–12.2 GHz by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected (see Article 9a and Resolution No. Spa 2–3).

(407A) The band 13.25–14.2 GHz may also be used on a secondary basis for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(408A) The use of the bands 14–14.3 GHz and 14.3–14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa 2–15, Paragraph 2.14).

(408B) The band 14.4–15.35 GHz may also be used on a secondary basis for space-to-earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(408C) Radioastronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobil services, administrations are urged to take all practicable steps to protect radioastronomy observations from harmful interference in the band 14.485–14.515 GHz.

(409E) In Japan, the bands 19.7–21.2 GHz and 29.5–31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation to the power flux density of space stations in the fixed-satellite service.

(410A) The band 22.21–22.26 GHz is also allocated to the radioastronomy service for observations of a spectral line due to water vapor (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radioastronomy.

(410C) The frequency 24.125 GHz is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radio communication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(412I) Radioastronomy observations in the band 31.2–31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radioastronomy observations from harmful interference.

(412J) All emissions in the bands 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz, 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz and 230–240 GHz are prohibited. The use of passive sensors by other services is also authorized.

(412K) Radioastronomy observations on the carbon monoxide line at 115.271 GHz are carried out in a number of countries under national arrangements. In making assignments to other services in the table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16–115.38 GHz.

e. Footnote NG46 is deleted from the NG footnotes following the Table of Frequency Allocations in § 2.106.

f. Footnotes NG47, NG51, and NG59 are amended to read as follows:

NG47 In the band 2500–2690 MHz, the television channels 2650–2656 MHz, 2662–2668 MHz, and 2674–2680 MHz and the corresponding response frequencies 2686.9375 MHz, 2687.9375 MHz, and 2688.9375 MHz may be assigned to operational fixed stations in the public safety services (Part 89 of this Chapter) on a primary basis and to operational fixed stations in other services on a secondary basis. Such assignments are subject to the condition that all operational fixed stations must comply with the technical standards applicable to stations in the instructional television fixed service contained in Subpart I of Part 74 of this Chapter. All other frequencies in this band for terrestrial operations are available for assignment only to stations in the instructional television fixed service. Stations authorized in this band as of July 16, 1971, which do not comply with the above provisions may continue to operate on their presently assigned frequencies on a co-equal basis with other stations operating in accordance with the Table of Frequency Allocations. Requests for subsequent license renewals or modifications of existing licenses will be considered; however, expansion of systems comprised of such stations will not be permitted. In Alaska, however, frequencies within the band 2655–2690 MHz are not available for assignment to terrestrial stations.

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8–150.98 MHz and 150.98–151.49 MHz are allocated exclusively to the business radio service.

NG59 The frequencies 37.60 and 37.84 MHz may be authorized only for use by base, mobile, and operational fixed stations participating in an interconnected or coordinated power service utility system.

g. The following new NG footnotes are added in proper numerical sequence:

NG101 The use of the band 2500–2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception. Such use is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected. Unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed those values set forth in Part 73 of the rules for this frequency band.

NG102 The frequency bands 2500–2535 MHz (space-to-earth) and 2655–2690 MHz (earth-to-space) are also allocated for common carrier use in the fixed-satellite service, as follows:

(a) In Alaska, for intra-Alaska service only; and

(b) In the mid- and western-Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii.

Such use is subject to agreement with administrations having services operating in accordance with the table, which may be affected. In the band 2500–2535 MHz, unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed the values set forth in Part 25 of the rules for this frequency band.

NG103 In the band 6625–7125 MHz, the fixed-satellite service (space-to-earth) has equal rights with the fixed and mobile services within the United States. Internationally, however, it is secondary with respect to the services of other countries operating in accordance with the table and receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

NG104 The use of the bands 10.95–11.2 and 11.45–11.7 GHz in the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

h. Footnotes US3, US6, US37, US38, US40, US52, US55, US56, US61, US62, US68, US83, US84, US86, US89, US91, US92, and US101 are deleted from the US footnotes following the Table of Frequency Allocations in § 2.106.

i. The following US footnotes are amended to read as indicated.

US1 In the bands 26.96–27.23, 28–29.7, 50–54, and 144–148 MHz pulsed emissions are prohibited.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

MHz	*MHz*	*MHz*
169.425	171.025	406.125
169.450	171.050	406.175
169.475	171.075	409.675
169.500	171.100	409.725
169.525	171.125	412.625
170.225	171.825	412.675
170.250	171.850	412.725
170.275	171.875	412.775
170.300	171.900	
170.325	171.925	

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, or 171.975 MHz may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

Licensees holding a valid authorization on January 1, 1973, to operate on the frequencies 406.025, 406.050, or 406.075 MHz may continue to be authorized for such operations until the expiration of their present license on the condition that harmful interference will not be caused to stations operating in accordance with the table.

US14 The frequency band 510–535 kHz is not available to non-Government stations except that the frequency 512 kHz is available for use by non-Government ship telegraph stations, as a working frequency. When 500 kHz is being used for distress purposes, ship and coast stations may use 512 kHz for calling.

US21 Existing Government operations and non-Government stations authorized in the band 73–74.6 MHz as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US32 The Government use of the band 123.125–123.575 MHz is for FAA communications incident to flight test activities pertinent to aircraft and facility certification.

US33 The band 123.125–123.575 MHz is for use by flight test and aviation instructional stations.

US34 The only non-Government service permitted in the bands 220–225 MHz, 1215–1300 MHz, 2300–2450 MHz, and 5650–5925 MHz is the amateur service. The amateur service shall not cause harmful interference to the radio location service.

US35 Except as provided by footnotes 320A and US87, the only non-Government service permitted in the band 420–450 MHz is the amateur service. The amateur service shall not cause harmful interference to the radio location service.

US48 The non-Government radio location service may be authorized in the bands 5350–5460 MHz and 9000–9200 MHz on the condition that it does not cause harmful interference to the aeronautical radio navigation service or to the Government radio location service.

US51 In the bands 5600–5650 MHz and 9300–9500 MHz the non-Government radio location service shall not cause harmful interference to the Government radio location Service.

US53 In view of the fact that the band 13.25–13.4 GHz is allocated to Doppler navigation aids, Government and non-Government airborne Doppler radars in the aeronautical radio navigation service are permitted in the band 8750–8850 MHz only on the condition that they must accept any interference which may be experienced from stations in the radio location service in the band 8500–10,000 MHz.

US70 The meteorological aids service allocation in the band 400.15–406 MHz does not preclude the operation therein of associated ground transmitters.

US74 In the bands 21.85–21.87, 73–74.6, 406.1–410, 1400–1427, 1660–1670, 2690–2700, and 4990–5000 MHz and in the bands 10.68–10.7, 15.35–15.4, 23.6–24, 31.2–31.5, 86–92, 130–140, and 230–240 GHz, the radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US78 In the band 1435–1535 MHz, the frequencies between 1435 and 1485 MHz will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 MHz will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1535 MHz is telemetry associated with launching and reentry into earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US81 The band 38–38.25 MHz may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.25 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view of effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of the Chief Engineer, Federal Communications Commission, Washington, D.C. 20554.

US82 The assignable frequencies in the bands 4139.5–4142.5 kHz, 6210.4–6216.5 kHz, 8281.2–8288 kHz, 12421–12431.5 kHz, 16565–16576 kHz, and 22094.5–22112 kHz may be authorized on a shared nonpriority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw).

US90 In the band 2025–2120 MHz earth-to-space transmissions in the space research and earth exploration-satellite services by Government and non-Government stations at specific locations may be authorized subject to such conditions as may be applied on a case-by-case basis.

US94 The bands 30.005–30.015 MHz, 39.986–40.02 MHz, and 40.980–41.015 MHz are also allocated, on a secondary basis, to the Government and non-Government space research service for space-to-earth transmission only.

US99 In the band 1660–1670 the meteorological aids service (radiosonde) will avoid operations to the maximum extent practicable. Whenever it is necessary to operate radiosondes in the band 1660–1670 MHz within the United States, the radio astronomers will be notified in a timely manner.

US104 In the band 90–110 kHz, the LORAN radionavigation system has priority in the United States and possessions.

US110 In the frequency bands 3100–3300 MHz, 3500–3700 MHz, 5250–5350 MHz, 8500–9000 MHz, 9200–9300 MHz, 9500–10,000 MHz, 13.4–14.0 GHz, 15.7–17.7 GHz, 24.05–24.25 GHz and 33.4–36 GHz, the non-Government radio location service shall be secondary to the Government radio location service to airborne doppler radars at 8800 MHz.

US111 In the band 1990–2110 MHz, Government space research stations may be authorized to use the frequencies 2062.05, 2062.85, 2063.85, 2069.2, 2070, 2071, 2075.8, 2076.6, 2077.6, 2101.8, 2106.4, and the band 2110–2120 MHz for earth-to-space transmissions for tracking, ranging, and telecommand purposes at only the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Corpus Christi, Tex., 27°39′ N., 097°23′ W.
Fairbanks, Alaska, 64°59′ N., 147°53′ W.
Goldstone, Calif., 35°18′ N., 116°54′ W.
Greenbelt, Md., 39°00′ N., 076°50′ W.
Guam, Mariana Islands, 13°19′ N., 144°44′ E.
Kauai, Hawaii, 22°08′ N., 159°40′ W.
Merritt Islands, Fla., 28°29′ N., 080°35′ W.
Rosman, N.C., 35°12′ N., 082°52′ W.
Wallops Island, Va., 37°57′ N., 075°28′ W.

US117 In the band 406.1–410 MHz, all new authorizations will be limited to a maximum of 7 watts per kilohertz of necessary bandwidth; existing authorizations as of November 30, 1970, exceeding this power are permitted to continue in use.

New authorizations in this band for stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant with the Secretary of the Committee on Radio Frequencies of the National Academy of Sciences:

Arecibo Observatory. Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.

Five College Radio Astronomy Observatory. Rectangle between latitude 41°40′ N. and 42°50′ N. and between longitudes 71°20′ W. and 73°20′ W.

Owens Valley Radio Observatory. Two contiguous rectangles, one between latitudes 36° N. and 37° N. and longitudes 117°40′ W. and 118°30′ W., and the second between latitudes 37° N. and 38° N. and longitudes 118° W. and 118°50′ W.

Pennsylvania State University Radio Astronomy Observatory. Rectangle between latitudes 40°00′ N. and 41°40′ N. and longitudes 77°15′ W. and 78°40′ W.

Sagamore Hill Radio Observatory. Rectangle between latitudes 42°10′ N. and 43°00′ N. and longitudes 70°31′ W. and 71°31′ W.

Vermilion River Observatory. Rectangle between latitudes 38°35′ N. and 41°31′ N. and longitudes 86°15′ W. and 89°30′ W.

The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

j. The following new US footnotes are added in proper numerical sequence:

US200 In the bands 157.3125–157.4125 MHz and 161.9125–162.0125 MHz, the use of satellite systems for safety and distress may be authorized on an exclusive basis on frequencies designated for such use by the WARC-MM, 1974. Such systems shall not be brought into use prior to January 1, 1976 (see WARC-ST Resolution Spa B).

US201 In the band 460–470 MHz, space stations in the earth exploration-satellite service may be authorized for space-to-earth transmissions on a secondary basis with respect to the fixed and mobile services. When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other applications of the earth exploration-satellite service. The power flux density produced at the earth's surface by any space station in this band shall not exceed −152 dBw/m.²/4 kHz.

US202 The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. With the single exception of ASDE's operating in accordance with US72, radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of ISM equipment.

US203 Government and non-Government radioastronomy observations of the formaldehyde line frequencies 4825–4835 MHz and 14.485–14.515 GHz may be made at certain radio-astronomy observatories as indicated below:

Bands to be observed		Observatory
4 GHz	14 GHz	
X	X	National Radio Astronomy Observatory, Greenbank, W. Va.
X	X	Tucson (Kitt Peak), Ariz.
X	X	Naval Research Laboratory, Maryland Point, Md.
X	X	Hat Creek Observatory (University of California), Hat Creek, Calif.
X	X	Haystack Facility (MIT-Lincoln Lab), Tyngsboro, Mass.
X		Agassiz Station (Harvard College), Harvard, Mass.
X	X	Owens Valley Radio Observatory (Cal. Tech.), Owens Valley, Calif.
X		University of Michigan, Dexter, Mich.
X		Harvard Observatory, Fort Davis, Tex.
	X	University of Texas, Fort Davis, Tex.
	X	Aerospace Corp., El Segundo, Calif. (to be moved to Owens Valley).

Every practicable effort will be made to avoid the assignment of frequencies to stations in the fixed or mobile service in these bands. Should such assignments result in harmful interference to these observations, the situation will be remedied to the extent practicable.

US204 The frequencies 10,003 kHz, 14,993 kHz and 19,993 kHz with emissions limited to ±3 kHz bandwidth, may be used for search and rescue communications concerning manned space vehicles.

US205 Tropospheric scatter systems are prohibited in the band 2500–2690 MHz.

US206 The use of the band 14.3–14.4 GHz by the radio navigation-satellite service shall be such as to provide adequate protection to space stations of the fixed-satellite service.

US207 In the band 14.0–14.5 GHz, only non-Government operations will be authorized in the fixed-satellite service.

US208 Planning and use of the band 1558.5–1636.5 MHz necessitate the development of satisfactory technical and/or operational sharing criteria to ensure the maximum degree of electromagnetic compatibility among existing and planned systems within the band.

[FR Doc.72-11900 Filed 8-3-72;8:45 am]

[47 CFR Part 73]

[Docket No. 19511]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS FOR CERTAIN CITIES IN CALIF.

Order Extending Time for Filing Reply Comments

In the matter of Amendment of § 73.606 Table of Assignments, Television Broadcast Stations (Vallejo-Fairfield and Sacramento, Calif.).

1. The notice of proposed rule making in the above-entitled proceeding was adopted May 17, 1972, and published in the FEDERAL REGISTER on May 25, 1972, 37 F.R. 10582. The time for filing comments has expired. The time for filing reply comments is presently July 31, 1972.

2. On July 27, 1972, Capital Cities Broadcasting Corp., licensee of Station KFSN-TV, Fresno, Calif. (Capital Cities) filed a request for an extension of time to and including August 10, 1972 in which to file reply comments. Capital Cities states that in comments filed Camellia City Telecasters, Inc. has made a counterproposal in which Capital Cities has a very strong interest. It further states that the brief period allowed for reply comments is inadequate to afford Capital Cities an opportunity to study the counterproposal and to prepare and submit a response.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, It is ordered,* That the time for filing reply comments in the above docket, RM-1839 and RM-1948, is extended to and including August 10, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 28, 1972.

Released: July 31, 1972.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.72-12216 Filed 8-3-72;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-207]

AMERICAN MANUFACTURER'S PETITION

Tariff Classification of Form Bond Paper

On the basis of a petition filed by an American manufacturer under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), it has been determined that the classification of certain form and computer bond paper in item 252.67, Tariff Schedules of the United States, as book paper and printing paper, not specially provided for, is not correct.

The paper in question is made from 100 percent chemical woodpulp and weighs over 18 pounds per ream (432,000 square inches) on a 24 by 36 inches 500 sheet basis. It is not impregnated, coated, surface-colored, embossed, ruled, lined, printed or decorated. It is generally put up in rolls 34 inches in width, or less, with most rolls in the smaller range. The ash content is generally under 10 percent and this paper has good writing quality, that is, ability to take pen and ink without feathering, and good erasure characteristics.

The chief use of this paper in the United States has been determined to be as writing paper for conversion into computer output forms and business forms for the recordation of data by pen, pencil, typewriter, or similar device as a means of communication by one or a limited number of copies to one or a limited number of receivers. Generally, the only printing done in the conversion processes is lines, spaces, column headings, and incidental text. This paper is commercially designated as a writing paper by the paper industry within the United States.

The petitioner has been notified that the form bond paper in question is writing paper weighing over 18 pounds per ream within the meaning of the provision of item 252.75, Tariff Schedules of the United States, and is properly classifiable as writing paper under that item number. This ruling will result in a higher rate of duty for this merchandise than would be assessed under item 252.67.

In accordance with section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), all merchandise of this kind entered, or withdrawn from warehouse, for consumption more than 30 days after publication of this notice in the weekly Customs Bulletin shall be classified in accordance with this determination.

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 24, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-12206 Filed 8-3-72;8:50 am]

Office of the Secretary

WELDED STAINLESS STEEL PIPE AND TUBING FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

JULY 28, 1972.

Information was received on November 1, 1971, that welded stainless steel pipe and tubing from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 14, 1972, on page 624.

I hereby announce an intent to discontinue the antidumping investigation of welded stainless steel pipe and tubing from Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. The investigation revealed that the proper basis of comparison, for fair value purposes, is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b., f.a.s., or ex-godown port of export price, inland freight, insurance, shipping charges, and storage charges in Japan, as appropriate.

Home market price was based on a weighted average of delivered prices of such or similar merchandise. From these prices deductions were made for inland freight and insurance, as appropriate. Adjustments were made for differences in packing costs and credit terms.

The comparisons made revealed some instances where purchase price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the manufacturers that they would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-12232 Filed 8-3-72;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 5132]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application Serial No. S 5132 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 September 6, 1972, 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

Lower Chiquito Recreation Area

T. 6 S., R. 24 E.
Sec. 7, S½SW¼SE¼SE¼;
Sec. 18, N½NW¼NE¼NE¼.

Mile High Vista Point Recreation Area

T. 7 S., R. 24 E.
Sec. 16, N½NW¼SE¼, except for a 200-foot strip on each side of F.H. 100 which has been previously withdrawn as a roadside zone.

The areas described aggregate 30 acres in Madera County, Calif.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-12198 Filed 8-3-72;8:50 am]

[Wyoming 35627]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1972.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial No. Wyoming 35627, for the withdrawal of the land described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, pursuant to authority of Executive Order 10355 and subject to valid existing rights.

The applicant desires the land for the protection of identified public values.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 116 W.,
Sec. 27, SW¼NW¼;
Sec. 30, lot 6;
Sec. 34, lot 8.
T. 40 N., R. 117 W.,
Sec. 24, lot 6;
Sec. 25, lots 1, 3, and 4.

All unreserved public lands in the following townships:

T. 41 N., R. 116 W.
T. 42 N., R. 116 W.
T. 41 N., R. 117 W.

The areas described aggregate 4,350 acres.

DANIEL P. BAKER,
State Director.

[FR Doc.72-12199 Filed 8-3-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW JERSEY

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of New Jersey natural disasters have caused a general need for agricultural credit:

COUNTIES

Atlantic.	Middlesex.
Bergen.	Monmouth.
Burlington.	Morris.
Camden.	Ocean.
Cape May.	Passaic.
Cumberland.	Salem.
Essex.	Somerset.
Gloucester.	Sussex.
Hudson.	Union.
Hunterdon.	Warren.
Mercer.	

Emergency loans will not be made in the above-named counties under this designation pursuant to application received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 31st day of July 1972.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-12209 Filed 8-3-72;8:53 am]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of North Carolina natural disasters have caused a general need for agricultural credit:

COUNTIES

Davidson.	Stokes.
Davie.	Surry.
Forsyth.	Yadkin.
Rockingham.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 31st day of July 1972.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-12203, Filed 8-3-72;8:53 am]

PACIFIC COMMODITIES EXCHANGE, INC.

Designation as Contract Market for Coconut Oil

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate the Pacific Commodities Exchange, Inc., of San Francisco, Calif., as a contract market for coconut oil effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with the requirements imposed by the

said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act.

Issued this 1st day of August 1972.

PHILIP OLSSON,
Acting Assistant Secretary.

[FR Doc.72-12222 Filed 8-3-72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

DEPARTMENT OF CHIEF MEDICAL EXAMINER-CORONER, LOS ANGELES, 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, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

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.: 72-00629-33-46070. Applicant: Department of Chief Medical Examiner-Coroner, 1104 North Mission Road, Los Angeles, CA 90033. Article: Scanning Electron Microscope, Model S4. Manufacturer: Cambridge Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for the examination of a wide variety of human tissues, including normal, injured, and diseased to determine the following: (a) The cause of death; (b) cause and effect upon the surfaces of these tissues by injurious agents such as gunshots; (c) the effects of differing types of stabbings and cutting weapons utilized; (d) the injuries resulting from blunt force trauma; and (e) how healing or repair reaction to varying types of injuries take place. The article will also be used for teaching purposes in a forensic pathology residency training program and for associated ancillary personnel. Application received by Commissioner of Customs: June 16, 1972.

Docket No. 72-00601-33-77030. Applicant: University of North Carolina, School of Pharmacy, Department of Medicinal Chemistry, Chapel Hill, N.C. 27514. Article: NMR Spectrometer, Model JNM-C-60HL. Manufacturer: JEOLCO, Japan. Intended use of article: The article is intended to be used in the following studies:

(a) Relaxation times of various enantiomers with acetylcholinesterase (AChE) at room temperature and lowered temperature.

(b) Conformational changes of inhibitors and substrates of AChE as a function of temperature (e.g. +50 to −50°).

(c) Structure determination of novel heterocycles and small ring structures, fatty ethers, plasmalogens, and natural products such as alkaloids, steroids, and terpenoids.

Students in the courses, Medical Chemistry 124 (Advanced Pharmaceutical Analysis) and Medical Chemistry 391 (Research in Medicinal Chemistry) will be taught not only to interpret the data from the NMR spectrometer but are also instructed to operate the various functions inherent in an NMR spectrometer such as external and internal lock, spin, spin decoupling at room temperature and other temperatures. Application received by Commissioner of Customs: June 1, 1972.

Docket No. 72-00634-99-43780. Applicant: State University College at Cortland, Graham Avenue, Miller Administration Building, Room 319, Cortland, NY 13045. Article: Kinesiology Equipment. Manufacturer: Holtain Limited, United Kingdom. Intended use of article: The article is intended to be used for specifying length of body segments, measuring of subcutaneous tissue, and determining segment size and shape for classification of body types as part of two courses in Kinesiology (1) Anatomical Aspects of Movement, and (2) Biomechanics. The readings provided will be accurate to the nearest millimeter. Application received by Commissioner of Customs: June 8, 1972.

Docket No. 72-00635-00-46500. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Two (2) Diamond knives 1.5 mm (40°-45°). Manufacturer: Instituto Venezulano, Venezuela. Intended use of article: The article is intended to be used for cutting thin sections of various types of biological materials using a microtome of high accuracy. Application received by Commissioner of Customs: June 20, 1972.

Docket No. 72-00637-33-46040. Applicant: Temple University Health Sciences Center, 3322 North Broad Street, Philadelphia, PA 19140. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological material with primary attention focused on the study of the role of plasma membrane specializations in regulating normal cell behavior. Other studies will involve abnormal or cancer cells systems and the behavior of cells in tissue culture. Application received by Commissioner of Customs: June 21, 1972.

Docket No. 72-00638-01-74600. Applicant: The Catholic University of America, Vitreous State Laboratory, Keane Hall B-2, 620 Michigan Avenue NE., Washington, DC 20017. Article: 1 "Malvern" High Speed Digital Correlator Type 7023 and storage unit. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used in research on liquids and liquid mixtures ranging from high temperature molten oxide mixtures to viscous organic lubricants to determine the viscoelastic behavior of these liquids at high pressure in order that lubricants can be designed for high speed turbine engines and to develop optical fibres which have small composition and density fluctuations and thus have low light scattering for use in communications devices. Application received by Commissioner of Customs: June 20, 1972.

Docket No. 72-00639-33-46040. Applicant: Veterans' Administration Research Hospital, 333 East Huron Street, Chicago, IL 60611. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for monitoring purity, cytochemical and ultrastructural studies and autoradiography wherever required in various research projects including:

(1) Subcellular fractions of brain nuclei and nervous tissues,

(2) Kidney and liver lysosomes,

(3) Brain subcellular fractions,

(4) Neurosecretory granule fractions from beef pituitary,

(5) Storage granules of beef adenohypophysins,

(6) Chromaffin and zymogen granule fractions.

Application received by Commissioner of Customs: June 9, 1972.

Docket No. 72-00640-33-46040. Applicant: University of Kentucky, Department of Pathology, MS-305, Medical Science Building, Lexington, Ky. 40506. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research and diagnostic work to be conducted in the following areas: (a) Metabolic disorders, (b) renal pathology with particular study of specimens from glomerulonephrities and renal transplantation, (c) neuropathology material, including brain, peripheral nerve, and skeletal muscle, including the study of degenerative disorders and aging related processes, (d) study of premalignant and malignant lesions of the female genital organs. The article will also be used in the teaching and training of technicians, students, residents, postdoctoral fellows, and senior staff in electron microscopy. Application received by Commissioner of Customs: June 26, 1972.

Docket No. 72-00641-00-46040. Applicant: Emory University, Purchasing Department, Atlanta, Ga. 30322. Article: Electromagnetic Shutter with Exposure Meter. Manufacturer: Siemens AG, West Germany. Intended use of articles: The articles are accessories to an existing electron microscope being used in various biomedical research projects including: (1) Ultrastructural evaluation of tumors of nonhuman primates; (2) Electron microscopy of muscle and blood specimens of primates to be used in space flight studies; (3) evaluation of liver biopsy specimens from primates receiving alcohol; (4) characterization of the ultrastructural features of the central nervous system tissues of normal primates and following induced lesions; and (5) ultrastructural evaluation of spontaneous virus diseases of primates or diseases suspected of being caused by virus infections. Application received by Commissioner of Customs: June 27, 1972.

Docket No. 72-00642-33-46040. Applicant: Wayne State University, Detroit, Mich. 48202. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a graduate teaching-research program, specifically, to perform research dealing with the ultrastructural aspects of embryonic cell differentiation. Application received by Commissioner of Customs: June 23, 1972.

Docket No. 72-00644-33-46040. Applicant: University of Texas Medical Branch, UMED 2-16148, Office of the Purchasing Agent, Administration Building, Galveston Tex. 77550. Article: Electron Microscope, Model EM 201.

Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to investigate the ultrastructure of proliferating cells and various aspects of germ cell differentiation in a research program involving the ultrastructural basis of cell division and differentiation in mammal systems. The article will also be used as a training instrument for students in a course entitled, "Biological Ultrastructure" to train medical and graduate students in the fundamental techniques of electron microscopy such as analysis of cell fine structure and localization of biological macromolecules. Application received by Commissioner of Customs: June 26, 1972.

Docket No. 72-00645-58-72500. Applicant: University of Washington, Department of Oceanography, Seattle, Wash. 98195. Article: Cartesian Diver Microrespirometer and accessories. Manufacturer: Ole Dich Instrumentmakers, Denmark. Intended use of article: The article is intended to be used to measure respiration rates of very small marine organisms, some of them single-celled animals. Respiration rates of animals kept in culture and taken from the waters of Puget Sound will be measured. The article will also be used in Benthos Ecology to teach graduate students the various techniques of respirometry. Application received by Commissioner of Customs: June 27, 1972.

Docket No. 72-00646-65-46070. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, Evanston, Ill. 60201. Article: Scanning Electron Microscope, Model S-4.

Manufacturer: Cambridge Scientific Instruments Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used to carry out transmission scanning electron microscopy of relatively thick biological and materials specimens. The teaching materials and information acquired from the use of the Stereoscan will be used in several courses including Materials Science 750-C65, a course in electron microscopy and electron diffraction in Materials Science designed to introduce students to the theory of electron optics, methods, and operations in electron microscopy, electron diffraction, image contrast and applications to materials science. The article will also be used in Biological Sciences 409-C65, a course in submicroscopic cytology including electron microscopy and its applications. Application received by Commissioner of Customs: June 26, 1972.

Docket No. 72-00647-33-46040. Applicant: DHEW, PHS, National Institute of Dental Research, 9000 Rockville Pike, Building 30, Bethesda, MD 20014. Article: Electron Microscope, Model EM 802. Manufacturer: AEI Scientific Apparatus, Inc., United Kingdom. Intended use of article: The article is intended to be used to examine the following structures:

(a) The neurons of the trigeminal brain stem nuclei including their axons, cell bodies, and dendrites;

(b) The endings of the V nerve axons;

(c) The axo-dendritic, axo-somatic, and axo-axonic synaptic specializations in these nuclei.

Experiments will be conducted to work out the structural organization of these nuclei in order to understand how information related to touch, pressure, temperature, and pain is transmitted by the V cranial nerve is processed before being transmitted to higher centers in the brain. Application received by Commissioner of Customs: June 23, 1972.

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. Application received by Commissioner of Customs: June 26, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12183 Filed 8-3-72;8:48 am]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 F.R. 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. 72-00558-33-46500. Applicant: DHEW, HSMHA, Center for Disease Control, 255 East Paces Ferry Road NE., Atlanta, GA 30305. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to automatically cut ultrathin sections of uniform thickness from blocks of plastic embedded tissue for examination with an electron microscope. These tissues will be from organs which are directly and indirectly associated with the disease being studied. The article will also be used for teaching purposes. Comments: No comments have been received with respect to this application.

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, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and

angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 20 millimeters/section (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.9 to 3.2 mm./sec. The applicant's research studies will sometimes involve very soft tissue and the use of very soft embedding media. Cutting speeds in excess of 4 mm./sec. are pertinent to such studies. (We cite as precedent HEW's recommendation's relating to Dockets Nos. 72-00224-33-46500, 72-00389-33-46500, and 72-00396-46500 which conform in certain particulars to the captioned application).

We therefore, find that the Model MT-2B ultramicrotome is not equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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 is being manufactured in the United States.

SETH BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12184 Filed 8-3-72;8:48 am]

FOOTHILL COMMUNITY COLLEGE DISTRICT

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 F.R. 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. 71-00347-00-61800. Applicant: Foothill Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022. Article: Planetarium projector, Model MS-15. Manufacturer: Minolta Camera Co., Ltd., Japan. Intended use of article: The article will be used by local community colleges for teaching courses in Astronomy (Introductory Astronomy), Astronomy (Observational and Constellation Study Laboratory), Biology (Fundamental Biological Concepts), and Celestial Navigation. Community services courses for the general public will be offered and the article will serve to supplement the astronomy, space science, and general science curriculum of the elementary and secondary public and private schools.

Comments: No comments have been received with respect to this application. 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, is being manufactured in the United States. Reasons: The foreign article will be used for demonstration of the radio sky in the region of the Milky Way in astronomy courses by the applicant. The sky as detected by a radio telescope includes the Milky Way, but not the visual stellar images. With the exclusion of the sun, stars radiating in the optical spectrum do not radiate with detectable energy in the radio spectrum. However, the collection of ionized and atomic gases of the spiral arms of the Milky Way, along with distant, unresolvable but visual stars, makes the Milky Way a radiation source for optical observation and radioteleoscopy. The foreign article is provided with a separate light source and dimmer for its Milky Way, making the above demonstration achievable. Since each domestic instrument available to the applicant has its Milky Way projection system inextricably optically connected to the visual starfield projection system, i.e., both systems have the same light source and there is no provision for masking starfield, such a demonstration is not provided by domestic equipment. We are advised by our planetarium consultant in a memorandum dated June 28, 1972, that the foreign article's capability of projecting the Milky Way without projecting the visual stars is pertinent to the applicant's demonstration of the radio sky in the region of the Milky Way. Our consultant further advises that the domestic instrument most closely comparable to the foreign article, the Model STP planetarium manufactured by Spitz Laboratories, Incorporated, is not scientifically equivalent to the foreign article for the applicant's intended purposes.

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 is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12185 Filed 8-3-72;8:49 am]

INDIANA UNIVERSITY

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 F.R. 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. 72-00407-00-46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber. Manufacturer: Hawksley & Sons, United Kingdom. Intended use of article: The article is an accessory to an electron microscopy intended to be used by faculty, graduate students, and many classes in the microbiology department in examinations of bacterial suspension.

Comments: No comments have been received with respect to this application. 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, is being manufactured in the United States. Reasons: The article provides optimum thickness and design characteristics that permit use with highly corrected objectives of high magnification. Comparable Petroff-Hausser chambers made by domestic manufacturers are not of optimum size and design for the limited working distance of current microscopes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 7, 1972, that the thickness and design characteristics that provide the capability for use with highly corrected objectives of high magnification are pertinent to the purposes for which the article is intended to be used. We therefore find that domestic Petroff-Hausser chambers are not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

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 is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12186 Filed 8-3-72;8:49 am]

UNIVERSITY OF HAWAII

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 F.R. 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. 72-00287-98-29800. Applicant: University of Hawaii, High Energy Physics Group, 2565 The Mall, Physical Science Building, Honolulu, Hawaii 96822. Article: Automatic Film Measuring Device. Manufacturer: Laser-Scan, Ltd., United Kingdom. Intended use of article: The article is intended to be used in bubble-chamber research in studies of three dimensional events as recorded on film occurring in high energy physics.

Comments: No comments have been received with respect to this application. 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, is being manufactured in the United States. Reasons: The foreign article is specially designed to examine photographic records of events occurring in a bubble chamber. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 7, 1972, that the general specifications of the article are pertinent to the purposes for which the article is intended to be used. NBS also advises that it knows of no domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended use.

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 is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12187 Filed 8-3-72;8:49 am]

UNIVERSITY OF WASHINGTON

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 F.R. 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. 72-00090-55-17500. Applicant: University of Washington, Department of Oceanology, Seattle, Wash. 98195. Article: Recording current meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to monitor current speed and direction, and water temperature during deployment of the current meter in the 2,600-meter-deep Greenland-Spitsbergen passage. Comments: No comments have been received with respect to this application.

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, is being manufactured in the United States. Reasons: The foreign article provides self-contained operation and recording for a duration of 1 year. The most closely comparable domestic instrument, the Model 502, manufactured by Hydro Products, San Diego, Calif., provides the capabilities described above for 30 days. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 23, 1972, that the longer duration of self-contained operation of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason we find that the Model 502 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

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 is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12188 Filed 8-3-72;8:49 am]

YALE UNIVERSITY

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 F.R. 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. 72-00382-33-43400. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Micromanipulator. Manufacturer: A.B. Transvertex, Sweden. Intended use of article: The article will be used in research to obtain intracellular recordings from mitral cells and other cells in the olfactory bulb. Comments: No comments have been received with respect to this application. 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, is being manufactured in the United States.

Reasons: The foreign article provides precise penetration of cell membranes through electrode advance in a stepping manner. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 7, 1972, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no comparable domestic apparatus which is scientifically equivalent to the foreign article for such purposes as the article is intended to be used.

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 is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12189 Filed 8-3-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Dockets Nos. FDC-D-452, 494; NADA's Nos. 11-235V, 9525, etc.]

DIETHYLSTILBESTROL

Order Denying Hearing and Withdrawing Approval of New Animal Drug Applications for Liquid and Dry Premixes, and Deferring Ruling on Implants

In the FEDERAL REGISTER of March 11, 1972 (37 F.R. 5264), a notice of opportunity for a hearing was published announcing that the Commissioner of Food and Drugs proposed to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of new animal drug applications for diethylstilbestrol (DES) liquid premixes for use in the manufacture of feeds for cattle and sheep.

In the FEDERAL REGISTER of June 21, 1972 (37 F.R. 12251), a notice of opportunity for a hearing was published announcing that the Commissioner proposed to issue an order under section 512(e) of the act withdrawing approval of new animal drug applications for DES liquid and dry premixes for use in the manufacture of feeds for cattle and sheep and for DES implants for cattle and sheep. This notice stated that the earlier notice of opportunity for a hearing with respect to DES liquid premixes would be acted upon at the same time.

Objections and requests for a public hearing were received from 15 of the 25 holders of the new animal drug applications for DES liquid and dry premixes for use in the manufacture of animal feed for cattle and sheep. For the reasons stated below, a hearing is denied with respect to these new animal drug applications. The new animal drug applications for such products are hereby withdrawn, effective immediately.

This matter is a regulatory, not a public health, problem. The animal feeding industry, the pharmaceutical industry, and the U.S. Department of Agriculture have been unable to come forward with restrictions and controls on the use of DES in animal feed that are reasonably certain to be followed in practice and that will result in the absence of detectable residues in the edible portions of the animals. Accordingly, the law requires that use of the drug must be discontinued.

Because there is no evidence of a public health hazard, however, there is no justification for an abrupt disruption of the production of the Nation's meat supply. An immediate ban on use of DES in feed could result in an unwarranted public concern and an unjustified increase in meat prices. It is estimated that there is about a 4-months supply of DES liquid and dry premixes already manufactured and at various stages in the chain of distribution. Accordingly, the Commissioner has determined that the manufacture of liquid and dry premixes will be discontinued effective immediately. Feeding of DES will be discontinued as soon as existing supplies are used up, but no later than January 1, 1973. This will permit both an orderly phaseout of the use of the drug in animal feed and an opportunity for the animal feeding industry to switch to DES implants, to other implants, or to other methods of meat production. DES implants and other implants have been shown to be approximately as effective for growth promotant purposes as DES in feed.

Objections and requests for a public hearing were also received with respect to all new animal drug applications for DES implants. For the reasons stated below, the Commissioner has concluded that the further testing now underway and scheduled to be completed within several weeks should be concluded before a ruling is made on these objections and requests for a hearing. Accordingly, such a ruling is deferred pending completion of those tests, at which time it will promptly be made and published in the FEDERAL REGISTER.

DES LIQUID AND DRY FEED PREMIXES

The following new animal drug applications for liquid and dry feed premixes for cattle and sheep were covered by the March 11 and June 21 notices of opportunity for a hearing:

Elanco Products Co., Post Office Box 750, Indianapolis, Ind. 46206. NADA's Nos. 9525, 11090, and 42162.
Pfizer, Inc., New York, N.Y. 10017. NADA's Nos. 9757 and 9770.
Walnut Grove Products, Division of W. R. Grace Co., Atlantic, Iowa 50022. NADA No. 10132.
Dawes Laboratories, Chicago, Ill. 60632. NADA's Nos. 10421, 11485, and 34916.
Simonsen Manufacturing Co., Quimby, Iowa 51049. NADA No. 10566.
Hess and Clark, Division of Rhodia, Inc., Ashland, Ohio 44805. NADA's Nos. 11295, 44344, 45982, and 45981.
Peter Hand Foundation, Inc., Waukegan, Ill. 60085. NADA No. 14773.
Thompson-Hayward Chemical Co., Kansas City, Kans. 66106. NADA's Nos. 35019 and 35017.
Feed Additives, Inc., Fremont, Nebr. 68025. NADA's Nos. 36313 and 37869.
Dale Alley Co., Post Office Box 444, St. Joseph, Mo. 64501. NADA's Nos. 36671 and 36554.
Standard Chemical Manufacturing Co., Omaha, Nebr. 68103. NADA's Nos. 36976 and 34735.
National Oats Co., East St. Louis, Ill. 62205. NADA's Nos. 37148 and 37541.
Texas Nutrition & Service Co., Fort Worth, Tex. 76108. NADA's Nos. 38507, 38510, and 39509.
Bresley-Koelling, Inc., Ord, Nebr. 68862. NADA No. 39491.
Feed Products, Inc., Denver, Colo. 80211. NADA's Nos. 39716, 39718, 39717, and 39715.
Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065. NADA's Nos. 39772, 42840, and 10261.
Chemetron Corp., Chicago, Ill. 60611. NADA No. 42355.
Farmland Industries, Kansas City, Mo. 64116. NADA No. 42702.
Western Farmers Association, Seattle, Wash. 98111. NADA No. 44526.
Western Feed Supplements, Ellensburg, Wash. 98926. NADA No. 40014.
Ultra Life Laboratories, Inc., East St. Louis, Ill. 62201. NADA No. 38682.
Square Deal Fortification Co., Kouts, Ind. 46347. NADA No. 39161.
Falstaff Brewing Corp., St. Louis, Mo. 63166. NADA No. 44795.
American Cyanamid Co., Princeton, N.J. 08540. NADA No. 10258.
S. B. Penick Co., New York, N.Y. 10008. NADA No. 36479.

Of these all but the following firms submitted objections and requests for a hearing:

Peter Hand Foundation, Inc., Waukegan, Ill. 60085.
Feed Additives, Inc., Fremont, Nebr. 68025.
Dale Alley Co., St. Joseph, Mo. 64501.
National Oats Co., East St. Louis, Ill. 62205.
Texas Nutrition & Service Co., Fort Worth, Tex. 76108.
Feed Products, Inc., Denver, Colo. 80211.
Ultra Life Laboratories, Inc., East St. Louis, Ill. 62201.
Square Deal Fortification Co., Kouts, Ind. 46347.
Falstaff Brewing Corp., St. Louis, Mo. 63166.
American Cyanamid Co., Princeton, N.J. 08540.

The Commissioner has concluded that these objections, in the light of new evidence from radioactive tracer studies on animals withdrawn from DES feed for 7 days, fail to show reasonable grounds for a hearing on a basis of evidence.

Virtually all of the objections and requests for a hearing fail to comply with 21 CFR 135.15(b), which requires that the objector file a full factual analysis of the data upon which it relies. In this case, the objections received generally rest upon mere allegations or denials and fail to set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing.

The objections contend that there are genuine and substantial issues of fact requiring a hearing as follows:

1. The number of violative residues may not actually have increased and, in fact, may have decreased.

2. New and more sophisticated laboratory methodology may be detecting residues at a level that previously was not detected.

3. The validity of the new methodology for detection has not adequately been established at the lower levels.

4. Some of the positives reported may be false positives rather than DES residues.

5. The compound found in animal livers is the monoglucuronide ester, not DES, and this ester has not been tested for carcinogenicity.

6. The level of compliance necessary to satisfy the statutory standard of "reasonably certain to be followed in practice" is unclear and, in any event, a degree of violation was contemplated by Congress.

7. The directions for use of DES may presently be inadequate and may be capable of improvement to assure the safe use of DES.

8. Present manufacturing controls may be inadequate to prevent cross-contamination of withdrawal feeds, and may be capable of improvement to preclude such cross-contamination.

9. A substantial portion of the current violative residues may be the result of cross-contamination of withdrawal feeds rather than of misuse of the drug.

10. Some violative residues may be the result of other sources of DES contamination, rather than misuse of the drug, and more restrictive controls over DES and of animals on withdrawal feed may reduce or eliminate such violative residues.

11. There may be alternative restrictive conditions under which DES may safely be used, such as disposal of animal livers, restrictions on the size or capability of feed lots authorized to use the drug, or other means of testing cattle for DES withdrawal prior to slaughter.

12. Withdrawal of approval of DES may have adverse effects on the environment as a result of increased manure production per day and increased number of days required for feeding to a specific weight.

These objections were stated largely as questions, without a presentation or analysis of the data necessary to support hypotheses advanced and without specific data from tests designed to answer the questions or to support specific proposals or recommendations sufficient to correct the problems demonstrated. Changes in labeling and new restrictions to reduce or eliminate cross-contamination, misuse of the drug, or other sources of violative residues are properly requested through supplemental new animal drug applications rather than through a hearing.

The effectiveness of DES as a growth promotant has not been and is not questioned. Until Friday, July 28, 1972, the Commissioner was unaware of the existence of any data indicating that use under the conditions contained in the approved label would result in detectable residues of DES in the edible portion of animals. Prior studies, using the most sensitive research tools available, showed no detectable residues in the animal liver after 48 hours and even in inedible waste after 132 hours. On December 8, 1971 (36 F.R. 23292), the withdrawal period

was extended from 48 hours to 7 days as a prudent precautionary measure to provide an extra margin of safety.

On Friday, July 28, 1972, the Commissioner was informed of the results of a research study undertaken by the U.S. Department of Agriculture in which it was found, using radioactive-tagged DES in six steers, that detectable residues occurred in the liver from a single 10 mg. oral dose of DES after withdrawal for 3, 5, and even 7 days. Two steers each were slaughtered at 72, 120, and 168 hours after being fed the radioactive-tagged DES. The results of that study are as follows:

Hours after withdrawal	Parts per billion	Residue in animal liver
72	1.06	0.41
120	.65	.15
168	.21	.52

These cattle were fed 10 mg. DES twice daily for a sufficient time period to establish the usual feeding pattern and were then fed a single radioactive-tagged 10 mg. dose of DES. Because only this split dose was tagged, FDA and USDA scientists project from these data that, even after withdrawal for 7 days, some cattle fed the approved level of 10 mg. DES twice daily in liquid or dry feed could be expected to have up to 1 p.p.b. DES in the liver.

From earlier data, it was thought that the half-life of DES in the animal was 12 hours. The new data show that, after 3 days, the elimination rate appears to decrease substantially. Because the experiment has not been carried out for longer than 7 days, it is impossible at this time to determine the rate of residue elimination beyond this period. It is hypothesized that, after 30 days withdrawal, the residue would be reduced to the practical equivalent of zero. There are, however, no data available to substantiate this hypothesis. The law requires that the holder of a new animal drug application submit all data necessary to show that it is possible to use the drug without any residue remaining in the edible portions of the animal. In the absence of such data, the new animal drug application must be withdrawn.

Even if data were available to demonstrate a suitable withdrawal period, it is now questionable whether a sufficiently precise regulatory surveillance method is available to permit continued approval of the drug in animal feed. In view of the new USDA study, it now appears that the test results thought possibly to be false positives may indeed have been true positives. The Commissioner is unaware of any data which could reasonably be interpreted to show that a 30-day feed withdrawal period, which in any event can only be hypothesized as a suitable withdrawal period, would be reasonably certain to be followed in practice. Even if a 30-day withdrawal period were ordered, no regulatory surveillance method now available would be sufficiently sensitive to detect violations of this requirement. The imposition of new and more stringent restrictions on the use of DES in feed, such as an increased withdrawal period, measures to avoid cross-contamination, and similar requirements, is therefore no longer a controlling factor in view of the new USDA study showing that even proper use of the drug under existing restrictions may result in violative residues.

Neither the new USDA study no other information available to the Commissioner demonstrates that there are residues of DES in muscle tissue, which represents the major source of meat for the country. This raises the possibility of permitting continued use of DES in animal feed, but of destroying beef livers and kidneys from any animal so fed. The Commissioner has concluded, however, that there are insufficient scientific data on which to base a clear decision when DES residues will not be found in muscle tissue. In addition, no evidence has been submitted with the objections or is otherwise known to the Commissioner that would permit a conclusion that a requirement that the liver and kidneys of cattle fed DES must be destroyed would be reasonably certain to be followed in practice. The maintaining of identification and records to differentiate between animals fed DES and animals not fed DES would be extremely difficult. Such a control system would require a significant change in the method of handling cattle in this country, the complexity of which does not permit such institution hurriedly or on the basis of conjecture. If any such system is to be developed, it must be the subject of pilot programs conducted through investigational new animal drug plans that will demonstrate its feasibility and after further radioactive tracer studies which show the exact time when residues in muscle tissue are eliminated.

The new USDA study involved only cattle, and not sheep. The information available to the Commissioner, however, shows that the problem of DES residues is approximately the same in both animals. Previous data establish roughly the same level of residue under the same conditions of DES use in feed. Violative residues have been found in sheep at roughly the same rate as in cattle. The two animals are biologically quite similar. Accordingly, the Commissioner concludes that there is no basis for distinguishing between them with respect to approval of DES for use in feed.

Finally, the Commissioner has reviewed the potential environmental impact of this action. It has been estimated that there would be a substantial increase in animal waste and in available nitrogen if DES were to be withdrawn from use as an animal growth promotant. In view of the fact that this action permits the continued use of DES implants pending the results of a study now in progress, as described below, and in view of the availability of at least one alternative implant drug, the Commissioner is unable to conclude that the environmental aspects of this problem outweigh the clear requirements of the law. Pursuant to proposed § 6.3(c) of the proposed regulations governing environmental impact considerations published in the FEDERAL REGISTER of July 12, 1972 (37 F.R. 13636), the Commissioner has concluded that the Federal Food, Drug, and Cosmetic Act requires immediate action on this matter without preparation and filing of a draft or final environmental impact statement. By publication of this order, the Council on Environmental Quality and the public are so informed.

For the foregoing reasons, therefore, the Commissioner concludes that the objections fail to demonstrate the existence of a genuine and substantial issue of fact and, accordingly, a hearing is denied with respect to the use of DES in liquid and dry premixes for feed for cattle and sheep.

This action is required under the strict terms of sections 512(d)(1)(H) and 512(e)(1)(B) of the act. These provisions, which contain the so-called Delaney Clause, require that there be no detectable residue. The new USDA study clearly shows residues at levels that are in the range of current detection methodology; new detection methodology is being developed that would be significantly more sensitive. Thus, under the law there is no alternative but to withdraw approval of the drug, even though there is no known public health hazard resulting from its use.

It should be emphasized that the Commissioner has no reason to believe that use of DES in animal feed represents a public health hazard. No human harm has been demonstrated in over 17 years of use. Under the law, however, this continued use of the drug may no longer be permitted.

The Commissioner has concluded that withdrawal of approval of the new animal drug applications for the DES liquid and dry premixes should be effective immediately. This means that these premixes may not be manufactured effective as of the date of publication of this order in the FEDERAL REGISTER.

In the Commissioner's judgment, although withdrawal of approval is warranted by the facts, the continued use of meat from animals fed DES, of feed already containing DES, and of premixes already manufactured does not present a health hazard. Approval is being withdrawn not because there is a proof of danger from DES, but because at this time the new USDA study shows a lack of clear and convincing proof that the requirements of the law are fully satisfied. Accordingly, no recall or cessation of shipment or use of existing stocks is warranted. As long as there is no further maufacturing of these premixes, existing supplies of feed and premixes may be used in an orderly phaseout of the drug. In order to place an end point on this phase out, the Commissioner has determined that all feeding of DES shall be discontinued by January 1, 1973.

DES IMPLANTS

The following new animal drug applications for DES implants for cattle and sheep were covered by the June 21 notice of opportunity for a hearing:

Pfizer, Inc., New York, N.Y. 10017. NADA's Nos. 9783 and 11356.
Vineland Laboratories, Inc., Subsidiary of Damon, Vineland, N.J. 08360. NADA No. 10964.
Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805. NADA No. 12553.
O. M. Franklin Serum Co., Denver, Colo. 80216. NADA No. 15274.
Fort Dodge Laboratories, Fort Dodge, Iowa. 50501. NADA No. 31446.
E. R. Squibb & Sons, New Brunswick, N.J. 08902. NADA No. 11365.

The new USDA study did not include implants. Earlier testing has shown that implants result in no detectable residues, and that there is at least a 10-fold, and probably a 30-fold or greater, difference in the potential for such residues. Thus far, the USDA in its sampling program has not found a single residue resulting from implants alone, but the significance of that fact is uncertain because there is no information on the amount of cattle administered DES solely by implant and the USDA sampling has uncovered instances in which a residue was found in animals fed DES and implanted at the same time.

Use of implants represents a substantially reduced total dose of DES as compared with use of medicated feed. The 20 mg. per day normal dose of DES in feed represents 3,000 mg. per head over the customary 150 days of feeding. During the same period, the maximum dose of DES that would be expected from the use of implants would be approximately 100 mg. per head, based upon the approved use of three 12 mg. implants for a 60-day period, and this dose would ordinarily be less because a smaller implant is customarily used when the animal is younger. This difference represents at least a 30-fold dosage factor, with respect to both the possibility of residues and any potential environmental implant.

USDA has previously begun preparations for a radioactive tracer study using implants. The test using these radioactive-tagged implants has just begun, and the results will be available within several weeks.

The Commissioner has therefore concluded that it is premature to rule at this time on the objections and requests for a hearing with respect to DES implants. A ruling on this matter will await the results of the USDA implant study now underway.

At the present time, the Commissioner has no reason to believe that DES implants raise a public health hazard. Thus, while it is prudent to pursue and to resolve existing scientific questions about DES implants, it is unnecessary to remove existing implants or to be concerned about the safety of meat from animals implanted with DES.

CONCLUSION

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the requests for evidentiary hearings with respect to the above-listed new animal drug applications for DES liquid and dry premixes for cattle and sheep are denied and approval of the applications, including all amendments and supplements thereto, is hereby withdrawn. Manufacturing of such premixes shall stop immediately, and feeding of existing supplies of such premixes shall stop as soon as existing supplies are exhausted but in any event no later than January 1, 1973. The Commissioner defers a ruling on withdrawal of the above listed new animal drug applications for DES implants for cattle and sheep. This order shall be effective on its date of publication in the FEDERAL REGISTER (8-4-72).

Dated: July 31, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-12286 Filed 8-3-72;8:55 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice Rescheduling Hearing

In the matter of Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2), Dockets Nos. 50-369 and 50-370.

Notice is hereby given that the hearing in the captioned proceeding previously set to reconvene on August 8, 1972, has been rescheduled to 10 a.m. on Wednesday, September 6, 1972, at the:

Mecklenberg County Administration Building, Commissioner's Meeting Room, Fourth Floor, 720 East Fourth Street, Charlotte, NC 28202.

Issued: July 31, 1972, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,

ROBERT M. LAZO,
Chairman.

[FR Doc.72-12212 Filed 8-3-72;8:50 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Receipt of Application for Construction Permit and Facility License and Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, NY 13202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 7, 1972, for authorization to construct and operate a single cycle, forced circulation, boiling water nuclear reactor at its site, located in the town of Scriba, Oswego County, N.Y. The site consists of 900 acres and is located 300 feet due west of Nine Mile Point Unit 1 (Docket No. 50-220) on the southeast shore of Lake Ontario, approximately 7 miles northeast of the city of Oswego.

The proposed nuclear facility, designated by the applicant as Nine Mile Point Unit 2, is designed for initial operation at approximately 3,300 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 14, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Oswego City Library, 120 East Second Street, Oswego, NY 13126.

Niagara Mohawk Power Corp. has also filed, pursuant to the National Environmental Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a report entitled "Applicant's Environmental Report—Construction Permit Stage," dated June 1972. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of Nine Mile Point Unit 2, is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207, and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments will be made available when received.

Dated at Bethesda, Md., this 6th day of July 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-10706 Filed 7-13-72;8:45 am]

[Docket No. 50-135]

WALTER REED ARMY MEDICAL CENTER

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Walter

Reed Army Medical Center's (WRAMC) pool-type research reactor located in northwest Washington, D.C., has been dismantled and decontaminated, and that satisfactory disposition of the component parts, fuel solution and other special nuclear material has been made in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. As required by the Commissions dismantling order dated July 6, 1971 (36 F.R. 13348), WRAMC has filed a report (Facility Status Summary) describing the dismantling process and remaining structure as part of its application dated June 29, 1972, for license termination. Therefore, pursuant to WRAMC's application dated June 29, 1972 and Commission regulations, Facility License No. R-85 is hereby terminated as of the date of this order.

Also, Indemnity Agreement No. D-1 between the Walter Reed Army Medical Center and Atomic Energy Commission dated August 17, 1962, as amended, is hereby terminated as of the date of this order and concurrently Amendment No. 6 to Indemnity Agreement No. D-1 is being executed.

Date of issuance: July 26, 1972.

For the Atomic Energy Commission.

D. J. SKOVHOLT,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-12213 Filed 8-3-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 18060, etc.]

AIRLIFT INTERNATIONAL AIRLINES, INC.

Notice of Postponement of Oral Argument Regarding Renewal and Amendment of Certificates

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter, heretofore assigned to be held before the Board on August 9, 1972 (37 F.R. 13568, July 11, 1972), is hereby postponed to September 20, 1972, at 10 a.m., local time, in Room 1027. Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., August 1, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-12235 Filed 8-3-72;8:51 am]

[Docket No. 24638]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 28, 1972.

Notice is hereby given that the Civil Aeronautics Board on July 28, 1972, received an application, Docket 24638, from Allegheny Airlines, Inc. for amendment of Condition 5 of its certificate of public convenience and necessity for route 97 to provide nonstop service between Cleveland-Cincinnati/Louisville/Rochester, N.Y. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12239, Filed 8-3-72;8:52 am]

[Docket Nos. 24509, 23972]

BRITISH CALEDONIAN AIRWAYS LTD. AND CALEDONIAN-BRITISH UNITED AIRWAYS (CHARTER) LTD.

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 August 25, 1972, at 10 a.m., local time, in Room 911, University Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report 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., July 31, 1972.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc.72-12236, Filed 8-3-72;8:51 am]

[Docket Nos. 24591, etc.; Order 72-7-97]

DELTA AIR LINES, INC.

Order Rejecting Tariff Filings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of July 1972.

By tariff revisions[1] marked to become effective August 5, 1972, Delta Air Lines, Inc. (Delta) proposes to reduce by approximately 15 percent its day coach fares in the Dallas-Los Angeles/San Francisco markets. The reduced fares are to apply on aircraft providing a seat pitch not to exceed 36 inches, with no lounge accommodations. The proposed fares may not be used to construct through fares or be combined with other fares, and do not apply to intermediate points. The proposed reductions would result in a fare of $71.30 (currently $84.26) between Dallas and Los Angeles and $83.33 for San Francisco (currently $98.15), and all the fares are marked to expire on December 31, 1972.

American Airlines, Inc. (American) and Continental Air Lines, Inc. (Continental) have filed defensive tariffs. However, in both cases these filings go beyond Delta's proposal. While American restricts the application of its reduced fares to loungeless aircraft, they would apply on aircraft that have a seat pitch in excess of 36 inches. Continental's reduced fares would not be restricted in any way as to the cabin configuration and aircraft type to which they would apply.

The thrust of Delta's justification is that it is intended to meet the alleged adverse competitive impact of American's wide-bodied coach lounges. Delta alleges that it does not provide coach and economy lounges on its DC-8 and B-747 aircraft; that those aircraft have a seat pitch well within the Board's seating configuration standard; that its wide-bodied aircraft are configured more densely than American's; and that it has become clear that advertising and sales promotion literature featuring low density seating and large lounges must be a very attractive combination to potential passengers, particularly when the passenger pays the same fare for lounge or nonlounge services. Delta also submitted load-factor data showing that its overall load factors have been somewhat lower than American's in the Dallas-Los Angeles market.

American and Continental[2] have filed complaints requesting that Delta's proposal be suspended and investigated, alleging that the proposed fares are unreasonable and unlawful. American asserts that Delta's filing is premature because it purports to be a response to Order 72-5-101[3] which is not yet final in light of numerous petitions for reconsideration now pending, including one filed by Delta itself; that Delta has failed to make any showing of adverse competitive impact; that Delta's comparison of its 747 seats, passengers, and load factors with those of American in the Dallas-Los Angeles market is of no probative value on the question of the impact; that during the period in question, approximately one-third of Delta's wide-body service was operated as night coach, and no data is available to reveal the load factor on this service; that an analysis of the traffic statistics during the 8-month period selected by Delta shows that the difference between American's and Delta's load factors is substantially greater on narrow-body equipment than on wide-body equipment; and that Delta's failure to point this out makes its use of the figures highly questionable.

Delta has answered the complaints[4] alleging that the proposed fare reductions are the only practical means available under the Board's Phase 6A decision by which it can regain its competitive position in two of its leading markets.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Continental's compliant was not timely filed, and will therefore be dismissed.

[3] The Board's opinion in Domestic Passenger-Fare Investigation (Phase 6A—Seating Configurations), decided May 26, 1972.

[4] Delta has also filed a complaint against American's defensive filing.

Delta alleges that the proposed reductions are not premature; that the competitive impact of the lounges and not the Board's decision is the specific impetus for its filing; and that suspension by the Board until it has disposed of the pending petitions for reconsideration would give American a continued competitive advantage.

The Airline Passenger Association (Association) has filed an answer to American's complaint urging its dismissal and that the Board permit Delta's reduced fares to become effective. The Association alleges that the added costs resulting from the provision of coach lounges should not be borne by passengers who do not desire the added amenity.

The Board has concluded that the proposal has not been adequately justified and should be rejected, without prejudice to a filing at a more appropriate time accompanied by a more adequate and detailed justification. Delta here has not supplied, as required by § 221.165 of our regulations and Order 72-5-101, data from which we can assess whether these fares should be permitted to go into effect or should be suspended. We cannot judge whether these fares are reasonably related to the cost of providing the service, or determine whether, as required by Order 72-5-101, they are necessary to avoid "adverse competitive impact" from American's wide-bodied coach lounges.[5] The carrier's comparison of the overall load factors of American and Delta is not, in and of itself, sufficient. Night coach service operated by Delta at very low load factors is included. Also, the comparison is distorted because of the different seating capacities operated by American and Delta in their respective B-747 coach compartments. A more valid comparison would appear to be between actual numbers of revenue passengers carried on comparably timed flights in similar aircraft types—a comparison we cannot make without additional data.

Accordingly, it is ordered, That:

1. The tariff pages listed in Appendix A hereto[6] are hereby rejected;

2. The complaints in Dockets 24591, 24605, and 24613 are dismissed as moot; and

3. Copies of this order will be filed in the aforesaid tariff and served upon American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., and the Airline Passenger Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-12334 Filed 8-3-72;8:51 am]

[5] We expect to clarify further the meaning of the terms used in Order 72-5-101 in acting on petitions for reconsideration of that order.

[6] Filed as part of the original document.

[7] Member Murphy dissented from the order.

[Docket No. 20724]

REMANDED ATLANTA-DETROIT/CLEVELAND/CINCINNATI INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 20, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 28, 1972, and the other parties on or before September 11, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., August 1, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-12237 Filed 8-3-72;8:52 am]

[Docket No. 24421]

SERVICE TO SAIPAN CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 7, 1972, at 10 a.m. (local time), in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC, before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 21, 1972, and the other parties on or before August 30, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., August 1, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-12238 Filed 8-3-72;8:52 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SRI LANKA (CEYLON)

Entry or Withdrawal From Warehouse for Consumption

AUGUST 1, 1972.

On July 27, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Sri Lanka that it was renewing for an additional 12-month period beginning August 3, 1972, and extending through August 2, 1973, the restraint on imports into the United States of cotton textile products in Category 60, produced or manufactured in Sri Lanka. Pursuant to Annex B, paragraph 3, of the long-term arrangement, the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of August 1, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 60, produced or manufactured in Sri Lanka, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 3, 1972, be limited to the designated level.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 1, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective August 3, 1972, and for the 12-month period extending through August 2, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 60, produced or manufactured in Sri Lanka (Ceylon), in excess of a level of restraint for the period of 20,323 dozen.

In carrying out this directive, entries of cotton textile products in Category 60, pro-

duced or manufactured in Sri Lanka, which have been exported to the United States from Sri Lanka prior to August 3, 1972, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period August 3, 1971, through August 2, 1972. In the event that the level of restraint established for that 12-month period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 60 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton textiles and cotton textile products from Sri Lanka have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-12218 Filed 8-3-72;8:51 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order 12]

CHAIRMAN OR VICE CHAIRMAN, COST OF LIVING COUNCIL

Delegation of Authority

Pursuant to the authority vested in the Cost of Living Council by Executive Order No. 11640, as amended, it is hereby ordered as follows:

1. There is delegated to the Chairman of the Cost of Living Council (or in his absence the Vice Chairman) authority to act on the following cases:

a. *Exemption and exception requests.* The Chairman shall have the authority to act upon and to approve or deny requests for exemptions and exceptions, unless the request involves a significant policy issue; provided that action with respect to requests for exemptions of items in the general category of raw or semiprocessed agricultural products shall be taken only after consultation with the Department of Agriculture.

b. *Reconsideration requests.* The Chairman shall have the authority to approve or deny requests for reconsideration of exemptions, exceptions, or reclassifications unless the request involves a significant policy issue.

c. *Litigation.* The Chairman shall have authority to recommend litigation to the Justice Department, unless the matter involves a significant policy issue, for the purpose of enforcing orders and regulations of agencies which are part of the economic stabilization program.

2. The Chairman (or the Vice Chairman) has authority to redelegate any authority delegated to him in paragraph 1 of this order.

3. This delegation shall be effective as of July 31, 1972.

By order of the Cost of Living Council.

DONALD RUMSFELD,
Director, Cost of Living Council.

[FR Doc.72-12262 Filed 8-2-72;12:35 p.m.]

[Cost of Living Council Order 13]

DIRECTOR, COST OF LIVING COUNCIL

Delegation of Authority

Pursuant to the authority delegated to the Chairman of the Cost of Living Council by Cost of Living Council Order No. 12, it is hereby ordered as follows:

1. There is redelegated to the Director of the Cost of Living Council the authorities delegated to the Chairman of the Cost of Living Council by Cost of Living Council Order No. 12.

2. The Director of the Cost of Living Council is authorized to redelegate any or all of the authorities set out in such order as he deems necessary for the orderly and efficient exercise of the authority delegated to him.

3. This delegation shall be effective as of July 31, 1972.

[SEAL] GEORGE P. SCHULTZ,
Chairman, Cost of Living Council.

[FR Doc.72-12263 Filed 8-2-72;12:35 pm]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Baldvin Einarson, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, NY 10005.

Agreement No. 9450-6 modifies the basic agreement of the Australia/U.S. Atlantic and Gulf Conference by amending Article 6(a) to permit an increase in the entrance fee from five thousand Australian dollars (A $5,000) to ten thousand Australian dollars (A $10,000).

Dated: July 31, 1972.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12217 Filed 8-3-72;8:51 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY

Agenda for Executive Advisory Committee Meeting

Agenda for the meeting of the Executive Advisory Committee to be held in Federal Building, 605 Fourth Avenue, Anchorage, AK, August 8, 1972, 9:30 a.m.

Presiding: Mr. Robert W. Ward, Chairman, Executive Advisory Committee.

1. Meeting call to order—Robert W. Ward.
2. Introduction.
a. Self-introductions of those present.
b. Description of purpose and scope of Alaska Power Survey.
3. Discussion of Technical Advisory Committees.
a. Subject, scope of activities, and number of committees. (See minutes of February 10, 1972, Anchorage meeting re APS.)
b. Membership: Chairman and others.
4. Time Schedules.
a. Committee work.
b. Report draft.
c. Final report.
d. Publishing date.
5. Other Business.
6. Adjournment—Robert W. Ward.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12180 Filed 8-3-72;8:48 am]

NATIONAL GAS SURVEY

Agenda for Coordinating Task Force Meeting

Agenda, Meeting of Coordinating Task Force to be held in Conference Room 4008 of the Federal Power Commission, 441 G Street NW., Washington, DC, August 7, 1972—1 p.m.

Presiding: Mr. Kenneth B. Lucas—FPC Survey Coordinating Representative & Secretary.

1. Call to order and introductory remarks—Mr. Lucas.
2. General comments—Mr. Richard C. Young, Director.
3. Comments on activities of Supply-Technical Advisory Committee, Mr. William T. Slick, Deputy Vice Chairman—Supply-Technical Advisory Committee.
4. Comments on activities of Transmission-Technical Advisory Committee—Mr. Fred L. Gagne, Deputy Vice Chairman—Transmission-Technical Advisory Committee.
5. Comments on activities of Distribution-Technical Advisory Comments—Mr. Ralbern H. Murray, Deputy Vice Chairman—Distribution-Technical Advisory Committee.
6. General discussion of National Gas Survey Program.
7. Date of next meeting.
8. Adjournment—Mr. Lucas.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12179 Filed 8-3-72;8:47 am]

[Docket No. E-7756]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JULY 31, 1972.

Take notice that on July 25, 1972, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Co. (Applicant), seeking an order authorizing the issuance of 10,000 shares of its authorized and unissued Common Stock, par value ($1) per share.

Applicant is incorporated under the laws of the State of South Dakota and is doing business in the States of South Dakota, Wyoming, and Montana, with its principal place of business at Rapid City, S. Dak. Applicant is engaged in the generation, transmission, distribution and sale of electric energy and at the present time, serves a territory comprising eighteen incorporated communities and rural areas located in 11 counties in Western South Dakota, Northeastern Wyoming, and Southeastern Montana.

Applicant proposes to offer the aforesaid Common Stock only to employees of Applicant and of its wholly owned subsidiary, Wyodak Resources Development Corp. through the medium of voluntary payroll deductions pursuant to Applicant's Employee Savings and Welfare Plan. The shares of Common Stock upon being issued, will be entitled to full voting privileges and to dividends as and when declared by the Board of Directors. The issuance and sale of the Common Stock will not be underwritten and no underwriter's or finder's fee will be paid to any person in connection with such issuance and sale.

Applicant states that it proposes to use the proceeds from the issuance and sale of the Common Stock for additions and improvements to its properties.

Any person desiring to be heard, or to make protest with reference to said application, should on or before August 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12168 Filed 8-3-72;8:46 am]

[Docket No. E-7738]

BOSTON EDISON CO.

Order Accepting for Filing, and Suspending Revised Tariff Sheets, Providing for Hearing Procedures, and Permitting Interventions

JULY 28, 1972.

On June 2, 1972, Boston Edison Co. (Edison) tendered for filing supplements to its FPC Rate Schedules 45 through 51, to become effective on August 1, 1972. The proposed increase will result in an estimated revenue increase of $9,530,150 based on sales for the year ending July 31, 1972.

Edison states that the purpose for the proposed rate increase is solely to increase Edison's revenue from its all requirements wholesale for resale service. Further, Edison states that a change in its fuel clause to take into account purchase power generated by fossil fuels is warranted by the same considerations which warrant application of the fuel clause to fossil fuel generation on Edison's system.

Notice of the proposed increase was issued on June 13, 1972, with petitions to intervene or protests due on or before June 30, 1972.

A petition to intervene and motion to reject was timely filed by the light departments of Reading and Wakefield, Mass. A petition to intervene and motion to phase the proceeding was timely filed by the towns of Concord, Norwood, and Wellesley, Mass. (the Towns). New England Power Co., and Boston Gas also filed timely petitions to intervene. Congressman Michael J. Harrington filed a late petition to intervene.

The motion to reject is based on the intervenors' views of the substantive issues, which issues require development in an evidentiary hearing. Accordingly, the motion to reject should be denied. The Towns' motion to phase the proceeding should also be denied since recent administrative experience has shown us that phased proceedings are not the most expeditious vehicle for the trial and consideration of rate proposals and may result in delay in the ultimate resolution of all the issues in the case.

Review of Edison's rate filing indicates that the issues which it raises require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's FPC Rate Schedules 45 through 51, supplements be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named persons in this proceeding may be in the public interest. Although certain of the petitions to intervene were not timely filed by the above-named petitioners, good cause exists to persist such late filings.

(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Edison's rate schedules as filed on June 2, 1972, are accepted for filing and suspended until January 1, 1973, as hereinafter provided.

(B) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held commencing with a prehearing conference on February 7, 1973, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 concerning the lawfulness of the rate increase as proposed herein.

(C) At the prehearing conference on February 7, 1973, Edison's prepared testimony (Statement Q) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings. In addition, other parties' prepared evidentiary presentations shall also be offered for the record. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems

and involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(D) On or before January 3, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before January 17, 1973. Any rebuttal evidence by Edison shall be served on or before January 31, 1973. Cross-examination on the evidence filed will commence on February 13, 1973.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon, Edison's proposed rate schedules listed above are hereby suspended and the use thereof is deferred until January 1, 1973, subject to the terms and conditions of this order. Edison shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Edison until refunded; shall bear all costs of all refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of January 1, 1973, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported, under the above-described tariff sheets, and the revenue immediately prior to January 1, 1973, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(G) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-12167 Filed 8-3-72;8:46 am]

[Docket No. CP73-17]

CITY OF SUNRISE, FLA. AND FLORIDA GAS TRANSMISSION CO.

Notice of Application

JULY 27, 1972.

Take notice that on July 19, 1972, the city of Sunrise, Fla. (Applicant), Sunrise, Fla. 33313, filed in Docket No. CP 73-17 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Florida Gas Transmission Co. (Respondent) to establish physical connection of its natural gas transmission facilities with the proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that the Commission order Respondent to establish physical connection of its natural gas transmission facilities by the construction of a tap and meter station and a 1.14-mile lateral line from Respondent's main transmission line to a town border station. Applicant proposes to distribute natural gas through the facilities of existent propane-vapor distributors within the municipality, whose facilities Applicant intends to purchase. Applicant further requests that the Commission order Respondent to sell and deliver to Applicant for resale and distribution 1,345 Mcf of natural gas per day. Applicant estimates that its cost of constructing and purchasing the distribution facilities will be approximately $2,050,000, which cost includes the anticipated costs of the aforementioned line, tap, and metering station. Applicant alleges that based upon Respondent's lateral line policy in its FPC Gas Tariff, a portion of all of the cost of the 1.14-miles of lateral line required to connect Respondent's transmission line with Applicant's facilities should be borne by Respondent. However in estimating the cost of its proposed project, Applicant has included the entire cost of said laterals. Applicant will finance the cost of its project by the issuance and sale of natural gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-12195 Filed 8-3-72;8:49 am]

[Docket No. CP73-5]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

JULY 28, 1972.

Take notice that on July 5, 1972, Columbia Gulf Transmission Co. (applicant), Post Office Box 683, Houston, TX 77027, filed in Docket No. CP73-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate 10.4 miles of 30-inch pipeline loop on its existing 30-inch Egan to Pecan Island, La., pipeline and approximately 5.4 miles of 30-inch pipeline loop on its West Lateral system between Egan and Rayne, La. Applicant states that these facilities will enable it to increase the capacity of its Western Shore Line by 91,000 Mcf of natural gas per day. Applicant states that the increased capacity is needed to permit a potential increase in the amount of gas it receives from Humble Oil & Refining Co. in the Pecan Island, La., field and the transportation service it proposes to provide for Texas Gas Transmission Corp. (Texas Gas).

Applicant seeks authorization to render said transportation service to Texas Gas for natural gas produced in the Eugene Island and Vermilion Areas, offshore Louisiana.

Pursuant to their agreement, applicant would transport 35,700 Mcf per day of Texas Gas' Eugene Island gas from a point of receipt on a platform, jointly owned by the parties, in Eugene Island Block 250 through its 3.5 mile, 20-inch pipeline to a point of connection with the Offshore Header of the Blue Water Project in Eugene Island Block 227; 15,300 Mcf per day of Texas Gas' Vermilion gas would be received at facilities in Vermilion Block 248 on the Offshore Header to be constructed jointly by applicant, Texas Gas and Consolidated Gas Supply Corp. (Consolidated). Applicant states that it would then transport the total contract demand of 51,000 Mcf of gas from Eugene Island Block 227 and Vermilion Block 248 to the Egan, La., terminus of the Western Shore Line. In order to transport this gas for Texas Gas, applicant requests authorization to construct and operate in addition to the facilities necessary to increase the capacity of the Western Shore Line, a measuring station on its existing facilities near Egan.

Applicant states that Texas Gas has agreed to pay it a demand charge of 12 cents per month for each Mcf of contract demand transported from Block 250 to the Offshore Header in the Eugene Island Area and a demand charge of $1.37 per month for each Mcf of contract demand for the transportation of all gas volumes through the Blue Water

Project Facilities to the delivery point near Egan. Applicant indicates that it will charge Texas Gas 17.5 cents per barrel for transportation of liquids.

Applicant states that Consolidated has requested it to transport 10,200 Mcf per day of offshore gas in addition to volumes already scheduled to be transported pursuant to the agreement on file with the Commission in Docket No. CP72-189. Applicant asserts that these additional volumes are within its transportation commitment as expressed in said agreement and will not require the provision of new capacity. The 10,200 Mcf of gas per day to be transported will be in addition to 45,900 Mcf per day which applicant has heretofore scheduled for delivery to Consolidated, commencing November 1, 1972. Applicant states that the total of 56,100 Mcf of gas per day will be delivered to Consolidated or to a party designated by Consolidated for further transportation at the Egan terminus of the Western Shore Line. Applicant indicates that upon installation of the proposed looping facilities it will be able to transport up to a total of 66,300 Mcf of gas per day for delivery to Consolidated at the above point, should Consolidated elect to raise the firm deliveries to that level as permitted by the transportation agreement filed in Docket No. CP72-189.

Applicant states that the total cost of the proposed looping and measuring station is $3,864,300, including filing fees, which will be financed with retained earnings and other funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12169 Filed 8-3-72;8:46 am]

[Docket No. E-7754]

GREEN MOUNTAIN POWER CORP.

Notice of Proposed Changes in Electric Rate Schedule

JULY 31, 1972.

Take notice that Green Mountain Power Corp. (Green Mountain) on July 13, 1972, tendered for filing a proposed new FPC Electric Tariff, Original Volume No. 1. The company states that the new tariff, which is proposed to become effective on September 11, 1972, completely supersedes its rate schedule entitled Supplemental Power Rate W and would replace the present resale rates for service to six municipal and three cooperative customers, resulting in an annual increase in revenues of $127,587 (23 percent) on the basis of sales during the 12-months' period ended March 31, 1972. A fuel cost adjustment clause is included in the proposed new rate schedule contained in the new tariff.

Green Mountain states that the company has experienced a severe decline in earnings commencing near the end of 1970, and at the same time has met with unprecedented requirements for new capital, giving rise to a need for increased revenues including an overall rate of return of 8.25 percent. The company requests that the Commission permit the rate increase to become effective without suspension, or in the event of suspension that it be for the shortest possible period of time.

Copies of the rate filing have been served upon customers and interested State regulatory agencies.

Any person desiring to be heard or make protest with reference to said application should on or before August 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12170 Filed 8-3-72;8:47 am]

[Docket No. E-7757]

MINNESOTA POWER AND LIGHT CO.

Notice of Application

JULY 31, 1972.

Take notice that on July 26, 1972, Minnesota Power and Light Co. (Applicant), filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to December 31, 1973, of Promissory Notes to evidence bank borrowings and commercial paper up to $40 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

Bank notes issued will bear interest at a rate not to exceed the prime commercial bank rate in effect at the time of issue. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the term of the notes and the money market conditions at the time of issuance.

Proceeds from the notes to be issued will provide funds to meet expenditures in connection with the company's construction program which will require an estimated $45.6 million in 1972, $16.5 million in 1973, and approximately $8.4 million in 1974, the bulk of which will be spent on generation, transmission, and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12171 Filed 8-3-72;8:47 am]

[Docket Nos. RI73-3, etc.]

MOBIL OIL CORP. AND ATLANTIC RICHFIELD CO.

Order Modifying Suspension Order, Granting Intervention, Denying Motion for Reconsideration, and Consolidating Proceedings

JULY 28, 1972.

The Brooklyn Union Gas Co. (Brooklyn Union) filed on June 30, 1972, a

petition for permission to intervene in Dockets Nos. RI72-250 and RI73-3 and a motion for reconsideration of the Commission's suspension order issued May 25, 1972, in Docket No. RI72-250. Brooklyn Union in its motion seeks a 5-month suspension period for the rate increase in which it is interested and an early, definite date for the commencement of hearings in Docket No. RI72-250.[1]

The proposed rate increases from 19 cents to 24 cents per Mcf filed by Mobil Oil Corp. (Mobil) for sales from the Texas Gulf Coast Area under its FPC Gas Rate Schedules Nos. 39, 415, and 318 were suspended by order issued May 25, 1972, in Docket No. RI72-250, for 1 day from the respective expiration dates of the 30-day statutory notice period provided in section 4(d) of the Natural Gas Act pending determination as to whether the sales are entitled under Opinion No. 595 to the new gas price of 24 cents or the old gas price of 19 cents. Brooklyn Union's interest in Docket No. RI72-250 is limited to the sale made by Mobil to Transcontinental Gas Pipe Line Corp. under its FPC Gas Rate Schedule No. 318.

Brooklyn Union argues that the 1-day suspension from the expiration of the statutory notice period violates the 1-day suspension policy set forth in § 2.56(g) of the Commission's General Rules, Part 2, General Policy and Interpretations, as promulgated in Order No. 423 issued February 18, 1971, in Docket No. R-407. Section 2.56(g) provides that if the Commission decides to suspend a rate change filing made by a producer, and such rate change is filed at least 60 days prior to its proposed effective date, the suspension period will be for 1 day unless the Commission waives the 60-day-notice period or imposes a longer suspension period. There is nothing, however, in this policy which precludes a lesser notice period in a particular situation. Prior to the issuance of Order No. 423, the Commission suspended increases for only 1 day from the expiration of the 30-day-statutory-notice period in those situations where the only issue presented related to which just and reasonable ceiling was applicable to the sales in question. Since that is the only question presented by Mobil's filing here, similar action was taken in this case.[2] The theory underlying such action is that the rate filing should be suspended for only 1 day beyond the date it would have been accepted if it were clearly within the just and reasonable ceiling.

Nor is there any merit to Brooklyn Union's claim that the 1-day suspension is inconsistent with the purpose and intent of the Price Commission regulations under the Economic Stabilization Act of 1970, as amended. A 1-day suspension is particularly appropriate where, as here, the only issue relates to the just and reasonable ceiling applicable to specific sales.

By order issued July 12, 1972, in Dockets Nos. RI73-3 and RI73-4, the Commission provided for a prehearing conference on August 8, 1972, with respect to issues similar to the one presented here. In accordance with Brooklyn Union's request for an early hearing in Docket No. RI72-250, we shall consolidate Docket No. RI72-250 with Dockets Nos. RI73-3 and RI73-4. The procedures set forth in the July 12 order shall apply to these consolidated proceedings.

The Commission orders:

(A) The suspension order issued May 25, 1972, in Docket No. RI72-250 is modified to specifically provide for a partial waiver for Mobil's filings of the 60-day-notice provision in § 2.56(g) of the Commission's General Rules, Part 2, General Policy and Interpretations.

(B) Brooklyn Union is permitted to intervene in Dockets Nos. RI72-250 and RI73-3, subject to the rules and regulations of the Commission: *Provided, however,* That Brooklyn Union's participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And, provided, further,* That the admission of Brooklyn Union shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) Brooklyn Union's motion for reconsideration filed on June 30, 1972, in Docket No. RI72-250 is denied.

(D) Dockets Nos. RI72-250, RI73-3 and RI73-4 are consolidated and a prehearing conference shall be held on August 8, 1972, pursuant to the provisions of the Commission's order issued July 12, 1972, in Dockets Nos. RI73-3 and RI73-4.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-12172 Filed 8-3-72;8:47 am]

[Docket No. G-2584, etc.]

MOBIL OIL CORP. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 18, 1972.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Orders Issuing Certificates, Permitting and Approving Abandonment of Service, Making Successor Co-Respondent, Terminating Certificates, Accepting Rate Schedules for Filing, Canceling FPC Gas Rate Schedules, Terminating Rate Proceedings and Canceling Docket Number, issued May 15, 1972, and published in the FEDERAL REGISTER May 23, 1972 (37 F.R. 10475): Docket No. CI70-841, Humble Oil & Refining Co.: Opposite FPC Gas Rate Schedule No. 475, Supp. 4, under "Notice of Partial Cancellation" in column entitled "Description and Date of Document".

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-12176 Filed 8-3-72;8:47 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Establishing Procedures, and Accepting and Suspending Proposed Revised Tariff Sheets; Correction

JULY 18, 1972.

In the Order Providing for Hearing Establishing Procedures, and Accepting and Suspending Proposed Revised Tariff Sheets, issued June 30, 1972, and published in the FEDERAL REGISTER July 11, 1972 (37 F.R. 13581): Delete ordering paragraphs "(H)" and "(I)".

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-12177 Filed 8-3-72;8:47 am]

[Project No. 2180—Wisconsin]

OWENS-ILLINOIS, INC.

Notice of Availability of Environmental Statement for Inspection

AUGUST 1, 1972.

Notice is hereby given that on June 23, 1972, as required by § 2.81(b) of Commission Regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for new major license filed pursuant to the Federal Power Act for constructed Grandmother Falls Project No. 2180 located on the Wisconsin River in Lincoln County, Wis.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Grandmother Falls Project consists of a concrete dam with a spillway section and an integral powerhouse, an earth embankment section, and a reservoir with a surface area of 758 acres at normal pool elevation. The powerhouse contains three generators rated at 1,000 kw each. Recreational facilities include four boat landings and three areas set aside for future campgrounds.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation

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[1] Mobil Oil Corp. filed an answer to Brooklyn Union's motion on July 13, 1972.

[2] The provisions of § 2.56(g) relating to the 60-day-notice period should have been waived, in part, specifically in our May 25 order. We shall modify that order to provide for such waiver.

of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from August 3, 1972. The Commission will consider all response to the statement.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12173 Filed 8-3-72;8:47 am]

[Docket No. CP72-181]

PANHANDLE EASTERN PIPELINE CO.

Further Notice of Application

JULY 31, 1972.

Take notice that on July 27, 1972, Panhandle Eastern Pipeline Co. (applicant), Post Office Box 1348, Kansas City, MO 64141, filed in Docket No. CP72-181 a supplement to its application of January 14, 1972, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of facilities augmenting applicant's gas supply from new production areas in Colorado, all as more fully set forth in the supplement to the application which is on file with the Commission and open to public inspection.

Under the terms of a transportation and exchange agreement with Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), dated July 13, 1972, applicant has arranged to connect available gas supplies in 17 northeast Colorado counties and Laramie County, Wyo., with CIG's existing mainline system. Applicant states that it will gather the available gas supplies to be delivered to CIG's existing mainline system at Watkins Junction, located east of Denver, and at seven other block gates on CIG's mainline between Watkins Junction and CIG's Kit Carson Compressor Station. Applicant states that as a result of this exchange agreement, a major portion of the transmission facilities for which application was originally made may be deleted. Accordingly, applicant seeks authorization to install 27 miles of 20-inch O.D. in lieu of 200 miles of 24-inch O.D. transmission line in Colorado and to install 62 miles of 20-inch O.D. in lieu of 100 miles of 24-inch O.D. transmission line in Kansas. Applicant states that there will be other modifications relating to the addition of 1,000 compressor horsepower to inject gas into the CIG facilities and to processing units applicable to the gathering system. Applicant states that the transportation and exchange agreement with CIG will materially reduce both the investment and the cost of service of the project.

Applicant estimates the cost of the proposed facilities to be $43,097,000, which represents a reduction of approximately $17,550,000.

In conjunction with the project, applicant requests authorization to sell a portion of the gas from the 17 northeast Colorado counties and Laramie County, Wyo., to CIG and to exchange the balance thereof.

Applicant further requests that the original project be authorized in the event the transportation and exchange arrangement with CIG should for any reason not be implemented.

Inasmuch as applicant has projected curtailments for the coming heating season, it appears reasonable and consistent with the public interest to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application, as supplemented, should on or before August 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have already filed petitions to intervene need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12165 Filed 8-3-72;8:46 am]

[Sabine Pass Project—Docket No. CP72-233]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Availability of Draft Environmental Statement for Inspection

AUGUST 1, 1972.

Notice is hereby given that on August 1, 1972, as required by § 2.82(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971), a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with the proceeding of the Natural Gas Pipeline Company of America for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Sabine Pass Project involves construction of approximately 27 miles of 16-inch pipeline, a side tap connection on an existing natural gas transmission pipeline of the applicant in the area, measurement facilities and miscellaneous appurtenant facilities, including a liquid removal facility. All construction would occur in the Sabine Pass area of Texas, near Port Arthur, Tex. Approximately 21.3 miles of the 16-inch line would be offshore in the Texas Gulf, the remaining approximately 5.7 miles of 16-inch line would be onshore. Offshore construction will involve some minor and temporary disturbance to the sea floor and associated marine organisms. Onshore construction will disturb beach, marsh, and scrub pasture land temporarily. Except for land taken out of present use to accommodate aboveground facilities proposed, there will be no adverse impact of a long-term nature and the areas affected by construction will return to their present condition within a very short time.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any differences with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before September 14, 1972. The Commission will consider all responses to the statement.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12175 Filed 8-3-72;8:47 am]

[Docket No. E-7755]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice of Proposed Changes in Electric Rate Schedules

JULY 31, 1972.

Take notice that Southwestern Public Service Co. (Southwestern) on July 31, 1972, tendered for filing new contracts

superseding its existing FPC rate schedules applicable to wholesale electric service rendered to 16 rural electric cooperative customers, proposed to become effective with respect to 12 of the 16 customers on October 19, 1972, and on subsequent dates for four of the customers. The new contracts include Southwestern's Rate Schedule REA-3 containing proposed increased rates and charges which are stated to result in increased annual revenues of $1,052,564 (12 percent) based upon sales for the 12 months ending September 30, 1972.

Southwestern states that the new contracts have been negotiated with its customers and approved by the Rural Electrification Administration to reflect its increases in costs of labor, materials, taxes, fuel, and capital, and reflect an overall rate of return of 5.95 percent. A fuel cost adjustment clause is included in the new contracts.

Copies of the rate filing have been served upon all customers.

Any person desiring to be heard or make protest with reference to said application should on or before August 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12174 Filed 8-3-72;8:47 am]

[Docket No. CP68-248, etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Providing for Hearing, Consolidating Proceedings, Granting Interventions, Denying Motions, and Establishing Procedures; Correction

JULY 25, 1972.

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Docket No. CP68-248; Midwestern Gas Transmission Co., Docket No. CP68-249; Trunkline Gas Co., Docket No. CP68-246.

In the Order Providing for Hearing, Consolidating Proceedings, Granting Interventions, Denying Motions, and Establishing Procedures, issued July 11, 1972, and published in the FEDERAL REGISTER July 18, 1972 (37 F.R. 14258):

Footnote 1 continued, add "Connecticut Natural Gas Corp.; Manchester Gas Co.; Mystic Valley Gas Co.; Worchester Gas Light Co."

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12178 Filed 8-3-72;8:47 am]

FEDERAL RESERVE SYSTEM

CITIZENS COMMERCIAL BANK

Order Approving Application for Merger of Banks

The Citizens Commercial Bank, Celina, Ohio (Celina Bank), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Peoples Bank Co., Fort Recovery, Ohio (Fort Recovery Bank), under the charter and title of Celina Bank. As an incident to the merger, the single office of Fort Recovery Bank would become a branch of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Celina Bank ($25 million deposits)[1] operates its only two offices in Mercer County (population of 35,600) where it ranks as the second largest of the seven county banks, controlling 25 percent of aggregate deposits.

Fort Recovery Bank is the smallest bank in Mercer County with deposits of $7 million. Its only office is located in Fort Recovery and is separated by a distance of 20 miles from Celina Bank's closest office. There is no main road connecting these offices, two competing banks are located in the intervening area, and another competing bank is located in Fort Recovery. Although Celina and Fort Recovery Banks are located in the same county their service areas do not overlap. No meaningful competition exists between them which would be eliminated by consummation of this proposed merger.

The largest of the county banks ($27 million deposits) has requested permission of the Comptroller of the Currency to merge with the sixth largest county bank ($8 million deposits). The resulting bank emerging from consummation of the instant proposal would hold 32 percent of county deposits. It appears unlikely that any of the three small county banks would merge due to their overlapping market areas. Fort Recovery is not an attractive area for de novo entry by Celina Bank or others since there are presently two banking offices serving this village of 1,348 persons, and there appears to be no immediate prospect for economic expansion of the area. It is also apparent that Fort Recovery Bank does not have sufficient financial resources to permit it to establish a new branch in the Celina area.

[1] All banking data are as of December 31, 1971.

A report from the Department of Justice on the competitive factors involved in the proposed merger stated that whereas there was only a limited amount of existing competition between the two institutions, consummation of the proposal would have an adverse effect on competition which would be compounded by consummation of the other pending Mercer County proposed merger. The Department cited the elimination of an alternative source of banking within the county, and the increased concentration of banking resources in the localized market as adverse factors affecting competition. Conversely, a report from the Federal Deposit Insurance Corporation concluded that the proposed merger would not eliminate any significant existing competition between them or any significant potential for increased competition through de novo branching, and that although the concentration of banking resources in Mercer County area would be increased, there would remain numerous conveniently available banking alternatives. The Corporation concluded that the proposed merger would have no significant effects on competition in any relevant area. The report from the Comptroller of the Currency also determined that the proposed merger would have no anticompetitive results.

On the basis of the record, the reports from other agencies, and in view of the circumstances attendant upon banking in the relevant areas hereinbefore discussed, the Board is of the opinion that consummation of this merger would have only a slightly adverse effect on existing or potential competition, and that the increase in concentration of banking resources in Mercer County would not significantly affect competition in the relevant areas.

The financial and managerial resources of Celina Bank are generally satisfactory and prospects for the resulting bank appear favorable. The merger would strengthen the Fort Recovery office and would also solve its present management succession problems. Considerations relating to banking factors are consistent with, and lend some weight, toward approval of the application. Considerations relating to the convenience and needs of the communities to be served also lend weight toward approval since the merger of the two banks would make possible expanded loans for Fort Recovery Bank's customers, as well as an increase in the number and dollar volume of residential mortgages; and the availability of new services to include BankAmericard and Line-O-Credit services. Consequently, the banking factors as well as the convenience and needs aspects outweigh the slightly adverse competitive consequences of this proposed merger. Based upon the foregoing, it is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th

calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 28, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-12190 Filed 8-3-72;8:49 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 29.7 percent of the voting shares of United Bank Shares, Inc., El Paso, Tex. (United), a holding company owning 100 percent (less directors' qualifying shares) of the shares of Southwest National Bank of El Paso, El Paso, Tex. (Bank). Applicant presently owns 24.5 percent of United.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act. Time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, controls eight banks with aggregate deposits of approximately $1.5 billion, representing about 4.9 percent of deposits in commercial banks in the State.[1] Consummation of the proposal would increase applicant's share of deposits by only 0.2 percentage points and would not result in a significant increase in the concentration of banking resources in Texas.

Bank (about $75 million in deposits) is the third largest of 12 banking organizations in the El Paso area and controls approximately 11 percent of deposits there. However, two larger organizations dominate El Paso with each controlling about 36 percent of deposits in the area. As the Board recognized in its earlier order approving applicant's acquisition of 24.5 percent of the voting shares of United Bank (1972 Federal Reserve Bulletin 295), the acquisition of Bank by applicant eventually may lead to some deconcentration in the El Paso area through the introduction of a strong effective organization that competes with the two dominant organizations. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of applicant and its subsidiary banks are regarded as generally satisfactory. Applicant proposes to provide additional capital to Bank and to strengthen management. Banking considerations lend weight for approval of the application. Applicant proposes to enable Bank to provide expertise in petroleum financing. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 28, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-12191 Filed 8-3-72;8:49 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Brimmer, and Bucher.

[1] All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through June 30, 1972.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Bucher.

GUARANTY LOAN AND INVESTMENT CORPORATION OF TULSA, INC.

Order Approving Acquisition of Bank and Continuation of the Activities of an Industrial Loan Company and the Sale of Credit-related Insurance

Guaranty Loan and Investment Corporation of Tulsa, Inc., Tulsa, Okla., has applied for the Board's approval under sections 3(a)(1) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) and 1843(c)(8)) to acquire 50 percent of the voting shares of Republic National Bank of Tulsa (Bank), Tulsa, Okla., and to continue to engage in the operation of an industrial loan company and the sale of credit-related insurance, including succession to such insurance sales activity on the premises of Bank, both insurance agency activities to be carried on by Guaranty Agency, Inc., a wholly owned subsidiary of applicant to be formed.

Pursuant to section 3(b) of the Act, the Board gave notice of receipt of the application to acquire voting shares of Bank to the Comptroller of the Currency. The Comptroller has not commented to the Board on the application.

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 10620). The time for filing comments and views has expired and none have been received.

Applicant is an industrial loan company operating in the manner authorized by Oklahoma law and does not accept demand deposits. As such, it engages in the business of making personal loans secured, from time to time, by first and second mortgages on real estate or by durable consumer goods, and sells credit life, credit health, and credit accident insurance to its borrowers. Such activities have been determined by the Board to be closely related to banking or managing or controlling banks (12 CFR 225.4(a)(2) and (9)(ii)(a)).

Applicant is an industrial loan company, with total assets of $3.1 million, operating out of one office in Tulsa. Bank, with total deposits of $19.2 million, holds 0.3 percent of total deposits in commercial banks in Oklahoma and is the 13th largest of the 19 banks located in Tulsa and the 29 banks located in Tulsa County. The proposed transaction would have no signficant adverse effect on existing competition in the market for lendable funds. Whereas Bank offers the usual range of deposit services offered by commercial banks, applicant offers "thrift certificates" which, though similar to certificates of deposit, represent a higher risk due to their uninsured character and a possible limitation on repayment to 50 percent of the applicant's net receipts for the previous month, than do the deposits received by Bank. This is reflected in higher interest rates paid by applicant on such funds than are paid by Bank. Barriers to entry into the banking business and legal requirements that Bank, as a national bank, maintain the insured character of its deposits and comply with limitations upon the payment of interest on deposits established by the Board's Regulation Q (12 CFR Part 217) suggest that future significant development of competition between applicant and Bank in the market for such lendable funds is unlikely. Seventy percent of applicant's loan portfolio is secured by second mortgages on real estate. Bank is generally prohibited by section 24 of the Federal Reserve Act (12 U.S.C. 371) from making loans in primary reliance on a second mortgage on real estate as security. However, a slight amount of competition may exist between applicant and Bank in the making of some consumer loans. The 5-mile distance between offices of applicant and Bank and the relatively small size of the consumer loan portfolios of applicant and Bank lessen the slight adverse effect that consummation of the proposed transaction would have on competition in the Tulsa consumer loan market. Further, since neither applicant nor Bank solicit credit-related insurance sales from persons other than their borrowers, no competition would appear to exist between applicant and Bank in the market for sale of credit-related insurance and consummation would therefore not foreclose any existing competition in that market.

Considerations relating to the financial and managerial resources and future prospects of both applicant and Bank

appear satisfactory and consistent with approval of the applications. Although, upon consummation of the proposed transaction, applicant will assume a relatively substantial amount of debt, its past earnings record and growth suggest that applicant will be able to service that debt. We assume that this will be done without the payment of an unreasonable amount of dividends or management fees by Bank. Furthermore, applicant will make a pro rata offer to all shareholders of Bank permitting minority shareholders to participate in the proposed transaction in an equitable manner.

Applicant has stated its intention to increase consumer services offered by Bank. Considerations relating to convenience and needs of the communities to be served, as well as public benefits that may be expected to derive from the proposed affiliation, therefore lend weight toward approval. The slight possible adverse effect on competition in the market for consumer lending is outweighed by this expected benefit to the public. Other possible adverse effects, such as undue concentration of resources, unfair competition, conflicts of interests, or unsound banking practices do not appear to be presented by the proposed transaction.

Based upon the foregoing and other considerations reflected in the record,[1] 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. It is the Board's judgment that consummation of the proposal would be in the public interest. Accordingly, the applications are 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. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 28, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12192 Filed 8-3-72;8:49 am]

[1] Dissenting statement of Governors Robertson and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Burns and Governors Mitchell and Brimmer. Voting against this action: Governors Robertson and Sheehan. Absent and not voting: Governors Daane and Bucher.

TRUST COMPANY OF NEW JERSEY AND WILSHIRE OIL COMPANY OF TEXAS

Order Denying Application for Merger With Nonoperating Bank and Determination of Status

Order with respect to merger proposal. The Trust Company of New Jersey, Jersey City, N.J. (Trust Company), a State member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) (Act), of the merger of that bank with The New Trust Company of New Jersey, Jersey City, N.J. (New Bank), a newly-chartered, nonoperating bank which is a wholly-owned subsidiary of Wilshire Oil Company of Texas, New York, N.Y. (Wilshire), a bank holding company registered under the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.). Wilshire is the owner of 50.6 percent of the outstanding voting shares of Trust Company. New Bank, into which Trust Company is to be merged, has significance only as a means to facilitate the acquisition of all of the voting shares of Trust Company by Wilshire.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

The Act requires the Board to take into consideration: (1) The competitive effects of the proposed transaction; (2) the financial and managerial resources of each of the banks involved; (3) future prospects of the existing and proposed institutions; and (4) the convenience and needs of the community to be served.

Trust Company ($203.3 million of deposits and $229.7 million of assets), headquartered in Jersey City, N.J., operates 12 offices, all in Hudson County, N.J., and is the 13th largest of 84 commercial banks in the State's First Banking District. (All banking data are as of December 31, 1971.) Since the proposed merger of Trust Company into a wholly-owned nonoperating subsidiary of Wilshire is only a vehicle intended to facilitate the acquisition by Wilshire of all of the outstanding voting shares not now held by that company, and since Wilshire already holds more than 50 percent of the outstanding voting shares of Trust Company, consummation of the proposal would have no effect on competition in any relevant area.

Wilshire, in addition to its investment in Trust Company, is engaged in extensive nonbanking activities. These activities include acquisition of oil, gas and other mineral properties; production and sale of crude oil, natural gas and other minerals extracted from properties in the United States and Canada; and distribution and sale of electronic equipment and components and automotive equipment.

The record indicates that Wilshire initiated its relationship with Trust Company in early 1967 when Wilshire began purchasing shares of the bank and Wilshire's president advised the president of Trust Company of its intention to acquire control of Trust Company. As of June 1968, Wilshire had acquired 8 percent of the outstanding voting shares of Trust Company and its president and one of its directors were elected to the board of Trust Company. Wilshire's president, with the consent of Trust Company from some time in 1968 as participated in the operations of Trust Company rfom some time in 1968 as Wilshire's share ownership in Trust Company increased. Wilshire acquired 17 percent of Trust Company shares through a tender offer announced in August 1969 and an additional 25 percent through another tender offer in 1970. Consequently, on December 31, 1970, Wilshire held 50.6 percent of the outstanding voting shares of the bank. Upon consummation of the proposed merger Wilshire would hold 100 percent of the outstanding voting shares of the successor by merger to Trust Company.

The financial condition of Trust Company appears satisfactory. The bank appears to have been operated by conservative management prior to the assumption of control by Wilshire. Although net income has declined in recent years, Trust Company's operating revenues have remained constant and the bank has experienced steady asset growth. Trust Company has paid relatively stable cash dividends for at least the last 5 years and stock dividends in 1967, 1968, and 1969. Since acquiring control over the bank, Wilshire has initiated several programs aimed at revitalizing the performance of Trust Company, such as upgrading of management personnel and salaries, modification of loan policies and expansion and modernization of bank offices and equipment. In view of the present resource strength of Trust Company and the changes in management and operating policies already undertaken, its future prospects for continued growth appear satisfactory.

The current financial condition of Wilshire appears satisfactory, although the drain on cash as a result of its commercial operations and debt costs incurred in connection with the acquisition of Trust Company shares has caused some deterioration in its cash flow position in recent years. Analysis of Wilshire's past and present financial condition and future prospects indicates that it is subject to wide fluctuations in income due to the speculative nature of many of its nonbanking enterprises. Wilshire's nonbank activities earned only marginal net profits in the years 1966–69. In 1970, Wilshire sustained a loss from its nonbank operations and in 1971, the net income realized by Wilshire as a result of its investment in Trust Company after deduction of interest and related acquisition expenses, was more than double its net income derived from

its nonbank operations. Although Wilshire generally operated profitably before its investment in Trust Company, it is clear that its investment in Trust Company (representing approximately $11 million of its total $27 million of assets) represents Wilshire's principal source of net income as well as its most reliable income producer. In contrast to Trust Company's record of cash dividends, Wilshire has paid stock dividends but has never paid a cash dividend.

The Supreme Court has observed that it is clear not only from the language of the Bank Merger Act, but from the statements of those who supported it while the Act was under consideration that in determining whether the merger should be approved "[t]he public interest was the ultimate test imposed." ("United States v. Third National Bank in Nashville, et al.", 390 U.S. 171, 184 (March 1968).)

The Board, in two recent decisions under the Bank Holding Company Act, has expressed its belief that a holding company should be a source of financial strength for its subsidiary banks rather than vice versa. (Application of First Southwest Bancorporation, Inc., Waco, Tex., to acquire four banks, 1972 Federal Reserve Bulletin 301 and application of Seilon, Inc., Toledo, Ohio, to acquire shares of First Bancorporation, 1972 Federal Reserve Bulletin (July 20, 1972).)

In its order denying the application of Seilon, Inc., the Board concluded that it was unlikely that the applicant would be able to provide meaningful financial assistance to the bank in the reasonably near future. It was only its existing interest in the bank which provided applicant with an operating profit as applicant's nonbanking activities had been operated at a loss.

Because the sole purpose of the proposed merger is to provide a means for the acquisition by Wilshire, a bank holding company, of all of the outstanding shares of Trust Company, the Board believes it appropriate to apply these same principles to the merger proposed herein. Upon consideration of the possible effects of the proposed merger on the financial and managerial resources and future prospects of Trust Company and the effects upon minority shareholders of that bank, the Board is of the opinion that the proposed merger is not in the public interest.

Upon consummation of the proposed merger, Wilshire would control 100 percent of the successor to Trust Company and, thereby, be able to rely more heavily upon the resource strength of Trust Company to bolster its own historically erratic financial condition. In this connection, it is noted that the application of Trust Company with respect to this proposal quotes Wilshire as stating that "if applicant is a wholly-owned subsidiary of Wilshire, Wilshire will have maximum flexibility in all aspects of applicant's future operations." Acquisition of 100 percent of the voting shares of the successor to Trust Company increases the possibility that Trust Company could be used to advance the speculative enterprises of Wilshire. Although Federal and State banking laws afford some degree of protection against unwise use of bank assets, a great deal of latitude is still provided to bank management. Situations which give substantial possibility for potential abuses should, in the Board's opinion, be prevented from arising, rather than to rely solely on remedial action once trouble begins, with consequent potential damage to the banking public.

Further, although the application appears to contend to the contrary, there is little likelihood in the Board's opinion that Wilshire can or would in the foreseeable future, be in a position to provide financial strength to Trust Company. (See applications of First Southwest Bancorporation, Inc., and Seilon, Inc., noted above.)

Consummation of the proposed merger would, in addition, result in the squeezing out of those minority shareholders of Trust Company who do not wish to receive shares of Wilshire in exchange for those of Trust Company. In the Board's opinion, the elimination of these minority interests is not in the public interest. There is an obvious inequity of forcing a result on minority shareholders without any balancing benefits, except perhaps some tax advantages to Wilshire. Furthermore, in the present case, the presence of minority shareholders may serve as a beneficial restraining influence upon any possible use by Wilshire of the resources of Trust Company that would be contrary to the best interests of the bank. In addition, as a result of the Board's concurrent determination under the Bank Holding Company Act, described hereinafter, with respect to Wilshire's status as "a company covered in 1970," Wilshire is required to divest either its nonbanking activities or its control of Trust Company by January 1, 1981. Approval of the proposed merger would therefore remove the minority interest in favor of Wilshire which, in turn, may be required to divest its control over Trust Company before January 1981.

Expansion of Wilshire's interest over Trust Company may provide some benefit to the convenience and needs of the community served by the bank insofar as it may increase the possibility that Wilshire would cause Trust Company to expand and modernize its banking services. However, it appears that improvements in the banking services provided by Trust Company could be accomplished under Wilshire's present interest in the bank or by the bank absent Wilshire's present interest.

Any possible benefits to the convenience and needs of the community in which Trust Company operates are clearly overshadowed by the potentially adverse consequences to the public interest brought about by cementing further a relationship between the bank and a corporation whose nonbanking operations are so incompatible with the interests of prudent banking. Approval of the proposal to acquire the remaining 49 percent of Trust Company shares would, in the Board's opinion, clearly do violence to the basic intent of the Bank Merger Act, the Bank Holding Company Act and the banking laws in general insofar as it would further a union of banking with a most speculative type of industrial enterprise.

On the basis of the record as summarized above, it is the Board's judgment that approval of this application would not be in the public interest and, accordingly, the application is denied.

Determination of status under Bank Holding Company Act. Concurrent with its denial of the proposed merger, the Board has considered a request by Wilshire that the Board determine that it is a "company covered in 1970" within the meaning of section 2(b) of the Bank Holding Company Act and as such would be permitted to continue indefinitely its nonbanking activities while at the same time continue to maintain its ownership of more than 50 percent of the outstanding voting shares of Trust Company.[1] By virtue of its ownership of this interest in Trust Company, Wilshire became a bank holding company subject to the Act as a result of the 1970 Amendments to the Act.

Wilshire contends that (a) its relationship with Trust Company on June 30, 1968, satisfies the presumptions of control under the Board's Regulation Y (12 CFR 225.2(c)) and in any case (b) on or before June 30, 1968, it exercised a "controlling influence" over the management or policies of Trust Company consistent with section 2(a)(2)(C) of the Act and that such "controlling influence" has continued to the present.

The Board has considered information, including extensive legal memoranda and affidavits, submitted in support of Wilshire's contention and has considered materials submitted by stockholders' counsel challenging Wilshire's belief that it is a "company covered in 1970." Additionally, Wilshire has been provided with adequate opportunity to review and comment upon materials submitted by parties opposed to Wilshire's assertion of "grandfather" status with respect to its nonbanking activities. The Board has considered the information submitted in the light of the statutory provisions and legislative history of the Bank Holding Company Act and judicial and administrative determinations under other federal statutes which contain a "controlling influence" provision.[2]

Among the factors cited by Wilshire in support of its position are the following:

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[1] Section 2(b) defines a "company covered in 1970" as a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date. If Wilshire held "control" or a "controlling influence" over Trust Company on June 30, 1968, it would have been a bank holding company as defined by section 2(a) of the Act.

[2] Public Utility Holding Company Act (15 U.S.C. 79b(a)(7) and (8)); Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(9)).

1. On June 30, 1968, Wilshire held 8 percent of the outstanding voting shares of Trust Company.

2. On June 30, 1968, Wilshire had two directors on the board of Trust Company.

3. No other person owned, controlled or had the power to vote as much as 5 percent of the outstanding voting shares of Trust Company.

4. From late 1967 through June 30, 1968, the president of Wilshire maintained an "active presence" at Trust Company and in fact was present "almost daily" throughout this period. This officer of Wilshire participated in senior management conferences and was consulted regularly regarding various aspects of Trust Company's operations, including investment and advertising policies, employment practices, and modernization of facilities.

It does appear that on June 30, 1968, Wilshire was capable of exerting some influence on the bank through its share holdings, representation on the board and its presence, primarily through its president, in the operations of the bank during at least part of the period ending on June 30, 1968. However, that "influence," in the Board's opinion, did not amount to a "controlling influence" over Trust Company.

Although it appears that Wilshire's relationship with Trust Company satisfied the conditions established by § 225.2 of the Board's Regulation Y (Presumptions of Control), satisfaction of that provision establishes only a presumption of control which the Board finds to have been rebutted by additional information (see hereinafter).

These conclusions are founded upon a number of observations on the character of Wilshire's relationship with Trust Company on June 30, 1968, including the following:

1. Wilshire's ownership of 8 percent of the outstanding voting shares of Trust Company on June 30, 1968, without the existence of other factors, appears inadequate to establish a "controlling influence."

2. While Wilshire's shareholdings may have placed it in an advantageous position if a proxy fight had developed, it seems apparent from Trust Company's response to a tender offer in 1969 that there was substantial opposition to Wilshire among the management and shareholders of Trust Company.[3] The tender offer in 1969 (which was not endorsed by Trust Company management) and a subsequent tender offer in 1970 resulted in Wilshire acquiring just over 50 percent of the outstanding voting shares of Trust Company. (In each instance the tender offer was for all outstanding shares.)

3. The very brief interval of 8 months between Wilshire's first contact with Trust Company and its alleged assumption of a "controlling influence," and the fact that only two Wilshire representatives became "insiders" (two of 16 Trust Company directors) just 2 months prior to June 30, 1968, indicates that strong historical ties between Wilshire and Trust Company had not developed. In contrast, decisions under other Federal statutes containing "controlling influence" provisions which have relied on established corporate and personnel affiliations to identify "controlling influence" indicate that such "controlling influence" will be found where relationships have existed over a number of years. ("H. M. Byllesby and Co.," 6 SEC 639 (1940) "American Gas and Electric Company v. SEC," 134 F. 2d 633 (D.C. Cir.) cert. denied, 319 U.S. 763 (1943).)

4. Although it seems that Wilshire's president did participate in many areas of Trust Company operations, information submitted relating to this officer's activities at Trust Company fail to indicate more than a consulting or advisory relationship rather than a position of dominance. The fact that some of his recommendations may have been adopted by those in management positions does not indicate that Trust Company was controlled by Wilshire, any more than one can say that if management accepts the recommendations of an attorney, accountant or outside management consultant, such person "controls" the company.

5. It is clear that Wilshire's involvement with Trust Company from November 1967 (when it announced its intention to acquire control of Trust Company) to June 30, 1968, established the basis for Wilshire's eventual controlling influence and control over Trust Company. The period of November 1967 to June 30, 1968, was one in which Wilshire's presence and influence over Trust Company was increased. However, it took two tender offers, at subsequent times, for Wilshire to achieve even bare majority control over Trust Company.

On the basis of all the information submitted, the Board is unable to conclude that Wilshire exercised or possessed the power to exercise a controlling influence over the management or policies of Trust Company on June 30, 1968. Accordingly, the Board has determined that Wilshire is not a "company covered in 1970" within the meaning of section 2(b) of the Bank Holding Company Act.

As a result of this determination, Wilshire is required by January 1, 1981 to either: (a) Divest those of its nonbanking activities not permitted for bank holding companies, or (b) cease to be a bank holding company as defined by section 2 of the Act by divesting its controlling interest in Trust Company.

By order of the Board of Governors,[4] effective July 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12193 Filed 8-3-72;8:49 am]

[3] In a letter dated September 23, 1969, of the Board of Directors of Trust Company to its stockholders concerning Wilshire's tender offer, it was stated: "Your Board of Directors has full confidence in the management of the Trust Company under whose leadership the Trust Company has operated on a sound and profitable basis for many years. It is not clear to what extent the Trust Company's present management would continue to direct the affairs of the Trust Company if Wilshire were to succeed in taking control."

[4] Voting for these actions: Chairman Burns and Governors Robertson, Brimmer, Sheehan and Bucher. Absent and not voting: Governors Mitchell and Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-148]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric energy service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission in a proceeding involving a rate increase for services provided by the Georgia Power Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 28, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-12197 Filed 8-3-72;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-12]

LAUNCH VEHICLE AND PROPULSION PROGRAMS

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental

Impact Statement for the Launch Vehicle and Propulsion Programs of the National Aeronautics and Space Administration.

The NASA Launch Vehicle and Propulsion Program launches approximately 20 automated science and applications spacecraft per year. These launches are for NASA programs and those of other U.S. Government agencies, private organizations, such as the Comsat Corp., foreign countries, and international organizations. Launches occur from Cape Kennedy, Fla.; Vandenberg Air Force Base, Calif.; Wallops Island, Va.; and the San Marco Platform in the Indian Ocean off Kenya. The statement describes the various launch vehicles used in the program. It does not include the Saturn vehicles.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this notice in the FEDERAL REGISTER in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 27th day of July 1972.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-12220 Filed 8-3-72;8:53 am]

OFFICE OF EMERGENCY PREPAREDNESS

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756); amended June 27, 1972, and published July 1, 1972 (37 F.R. 13135); and amended July 5, 1972, and published July 11, 1972 (37 F.R. 13586), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The Counties of:

Caroline. Worcester.

Dated: July 26, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-12200 Filed 8-3-72;8:46 am]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756); amended June 27, 1972, and published July 1, 1972 (37 F.R. 13136); amended July 3, 1972, and published July 8, 1972 (37 F.R. 13502); and amended July 19, 1972, and published July 25, 1972 (37 F.R. 14837), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The Counties of:

Chautauqua. Oswego.

Dated: July 22, 1972.

G. A. LINCOLN.
Director,
Office of Emergency Preparedness.

[FR Doc.72-12201 Filed 8-3-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JULY 27, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7640 (Sub-No. 32 TA), filed July 17, 1972. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Box 999, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, finished or unfinished; *wood particleboard*, finished or unfinished; *plywood*, finished or unfinished; with or without accessories and supplies used in the installation and/or application thereof, from Waverly, Va., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shipper: Masonite Corp., 29 North Wacker Drive, Chicago, IL 60606. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 71902 (Sub-No. 76 TA), filed July 14, 1972. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, Box 18547, Oklahoma City, OK 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies, and automobiles show equipment and paraphernalia, when transported with display vehicles* in secondary movements, in truckaway and driveaway service, restricted to the handling of traffic originating at, or destined to a plantsite, warehouse or other facility of General Motors Corp; and restricted against tacking or joining with any other authority held by applicant for the purpose of performing a through service, from New Orleans, La., to points in Alabama, Florida, and Mississippi, for 180 days. Supporting shipper: E. R. Wise, Director, Logistics Operations General Motors Corp., 30007 Van Dyke Avenue, Warren, MI 48090. Send protests to: C. L.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 368 TA), filed July 17, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Fort Worth, Tex., to Warden, Wash., for 180 days. Supporting shipper: Southwestern Petroleum Corp., J. B. Pace, Assistant Vice President, Fort Worth, Tex. 76101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, OK 73102.

No. MC 111729 (Sub-No. 354 TA), filed July 17, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Bloomington, Ill., and Fort Wayne, Ind.; (b) between Charleston, Ill., on the one hand, and, on the other, Hammond, Ind., and Cincinnati, Ohio; (c) between Lynchburg, Va., on the one hand, and, on the other, Anniston, Ala., Lafayette, La Follette, and Piney Flats, Tenn.; (2) *thread cloth, and cloth samples*, restricted against the transportation of packages or article weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Lynchburg, Va., on the one hand, and, on the other, Anniston, Ala., Lafayette, La Follette, and Piney Flats, Tenn.; and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Rockville, Md., on the one hand, and, on the other, points in Virginia (except points in Augusta, Bedford, Campbell, Culpeper, Dinwiddie, Frederick, Henry, James City, Loudoun, Montgomery, Nottoway, Orange, Pittsylvania, Pulaski, Roanoke, Rockbridge, Southampton, Spotsylvania, and Warren Counties, Va.), for 180 days. Supporting shippers: Peter Eckrich & Sons, Post Office Box 388, Fort Wayne, IN 46801; Trailmobile, 1000 North 14th Street, Charleston, IL 61920; Imperial Reading Corp., 1920 Atherholt Road, Lynchburg, Va.; Eastman Kodak Co., General Traffic Department, Distribution Center, Rochester, N.Y. 14650. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114265 (Sub-No. 17 TA), filed July 17, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden I-beam trusses and component parts*, from Fort Lupton, Colo., to El Paso, Houston, and Lubbock, Tex., and Phoenix, Ariz., for 180 days. Supporting shipper: Trus-Joist Corp., 9777 West Chinden Boulevard, Boise, ID 83704. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 114897 (Sub-No. 99 TA), filed July 17, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soil conditioner*, in bulk, in tank vehicles, from Artesia, N. Mex., to Lubbock and Fort Worth, Tex., for 180 days: Supporting shipper: William H. Livingston, President Livingston Research Corp., Route 1, Box 274, Artesia, NM 88210. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 119695 (Sub-No. 3 TA), filed July 14, 1972. Applicant: HAAG TRUCK LINE, INC., 570 West 17th Street, Indianapolis, IN 46202. Applicant's representative: Robert W. Loser, C & C Building, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lactose* (sugar extraction of milk), from Independence, Iowa, to Sturgis, Mich., and Columbus, Ohio, restricted to traffic originating at the plantsite of Wapsie Valley Creamery, Inc., located at or near Independence, Iowa, for 180 days. Supporting shipper: Wapsie Valley Creamery, Post Office Box 391, Independence, IA 50644. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn Street, Indianapolis, IN 46204.

No. MC 128290 (Sub-No. 2 TA), filed July 17, 1972. Applicant: EARL HAINES, INC., Post Office Box 841, Winchester, VA 22601. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural cellulose wood fiber or wood pulp fiber mulch*, from Greenmount, Md., to points in Virginia, Maryland, West Virginia, Pennsylvania, Delaware, and the District of Columbia, with no transportation for compensation on return, for 120 days. Supporting shipper: Woodbine Nurseries, Inc., Superior Fiber Products Co. Div., 5703 Bellona Avenue, Baltimore, MD 21212. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133698 (Sub-No. 3 TA), filed July 19, 1972. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–729 South Broad Street, Philadelphia, PA 19147. Applicant's representative: J. E. Rokke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, medical instruments, and replacement parts*, between Philadelphia, Pa., on the one hand, and, on the other, points in Berks, Carbon, Centre, Chester, Clinton, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Northampton, Northumberland, Snyder, and York Counties, Pa.; Atlantic, Cape May, Cumberland, Ocean, and Salem Counties, N.J., on traffic having an immediately prior or subsequent movement by air, for 90 days. Supporting shipper: Abbott Laboratories, Radio-Pharmaceutical Products Div., Abbott Park, North Chicago, Ill. 60064. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 134145 (Sub-No. 29 TA), filed July 17, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phonographs and phonographs and radios combined, tape players, and recorders*, from Rochester, Minn., to points in Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Massachusetts, Mississippi, New York, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, and Wisconsin, *and parts, materials, and accessories* used in the manufacture of the above-described commodities, from points in Arkansas, California, Iowa, Illinois, Indiana, New Jersey, New York, Michigan, Pennsylvania, Washington, and Wisconsin to Rochester, Minn., for 180 days. Supporting shipper: Waters Conley Co., Inc., 501 First Avenue NW., Rochester, MN 55901. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 134599 (Sub-No. 50 TA), filed July 17, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Office, 265 West 27th South 85115, Salt Lake City, UT 84110. Applicant's representative: Gordon L. Roberts, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products,*

plastics and chemicals, and equipment, materials and supplies used in the manufacture and production thereof (except in bulk, in tank vehicles): (1) From Naugatuck, Conn., Detroit, Mich., and Eau Claire, Wis., to Santa Ana, Calif., and Holyoke, Mass., and Atlanta, Ga.; (2) from Scottsville, Va., Shelbyville, Tenn., Winnsboro, S.C., and Los Angeles, Calif., to Atlanta, Ga., and Holyoke, Mass.; (3) from Lynchburg, Va., to Los Angeles, Calif., Eau Claire, Wis., Detroit, Mich., Shelbyville, Tenn., Opelika, Ala., Chicopee Falls, Mass., and Ardmore, Okla.; (4) from Atlanta, Ga., to Detroit, Mich., Los Angeles, and Santa Ana, Calif., Eau Claire, Wis., and Chicopee Falls, and Holyoke, Mass.; (5) from Opelika, Ala., to Santa Ana, Calif., and Holyoke, Mass.; (6) from Santa Ana, Calif., to Detroit, Mich., Opelika, Ala., Atlanta, Ga., Eau Claire, Wis., and Chicopee Falls, Mass.; (7) from Chicopee Falls, Mass., to Atlanta, Ga., and Santa Ana, Calif.; and (8) from Holyoke, Mass., to Detroit, Mich., Opelika, Ala., Atlanta, Ga., Los Angeles and Santa Ana, Calif., and Eau Claire, Wis., for 180 days. Supporting shipper: Uniroyal, Inc., Oxford Management & Research Center, Middlebury, Conn. 06749 (John C. Taylor, Traffic Manager, Operations). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 135002 (Sub-No. 4 TA), filed July 17, 1972. Applicant: LAWRENCE C. ARTHUR, Box 601, Warsaw, VA 22572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Louisa County, Va., to points in New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, New York, Connecticut, Ohio, North Carolina, and West Virginia, for 180 days. Supporting shipper: Dominion Pallet Inc., Route 3, Mineral, VA 23117. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 136371 (Sub-No. 4 TA), filed July 17, 1972. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, NJ 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Unishops, Inc., between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, and Bayonne, N.J., on the one hand, and, on the other, Elmwood, East Haven, Torrington, Wallingford, Conn.; Lafayette, Ind.; Keokuk, Knoxville, Oelwein, Iowa; Winfield, Kans.; Suitland, Md.; Bemidji, Brainerd, Hutchinson, Morris, Willmar, Minn.; Wayne, Nebr.; East Syracuse, Monticello, Rome, Vestal, Utica, N.Y.; Valley City, N. Dak.; Lake Barcroft, Va.; and Platteville, Wis., for 180 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 136772 (Sub-No. 1 TA), filed July 14, 1972. Applicant: EARL L. CLYMER & STANLEY D. BRAMMER, doing business as B & C TRANSPORT, Route 1, Henderson, IA 51541. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Multipurpose recreational goose neck trailers*, from Shenandoah, Iowa, to points in Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming; and (2) *damaged, defective, repurchased, or repossessed multipurpose recreational goose neck trailers*, from the destination territory named above to Shenandoah, Iowa, for 180 days. Supporting shipper: Smith Trailer Co., Shenandoah, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 136777 (Sub-No. 2 TA), filed July 17, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horse tacking commodities and commodities used in the manufacture of horse tacking commodities and thermol clothing*, between Pablo, Mont., on the one hand, and, on the other, points in the United States (except Hawaii), for 180 days. Supporting shipper: I-deal Ideas, Inc., Post Office Box 1371, Polson, MT 59860. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136872 (Sub-No. 1 TA), filed July 17, 1972. Applicant: MOBILE HOME SERVICE CENTER OF VIRGINIA, INC., Post Office Box 13227, 1110 South Military Highway, Chesapeake, VA 23320. Applicant's representative: Blair P. Wakefield, Suite 1001, First & Merchants National Bank Building, Norfolk, Va. 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles (travel trailers, mini campers, and coaches), *and pickup campers*, from Virginia Beach, Va., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (2) *trailers* designed to be drawn by passenger automobiles (mobile homes) *and double wide mobile homes and/or sectional homes*, between points in Delaware, Florida, Georgia, Maryland, North Carolina, Tennessee, Virginia, and West Virginia, also from Cassopolis, Mich., also from Emporia, Kans., to points in Oklahoma, Arkansas, Missouri, Iowa, Illinois, Nebraska, Colorado, North Dakota, South Dakota, and Minnesota; (3) *mobile homes and prefabricated buildings*, between points in Arkansas, Kansas, Missouri, and Oklahoma, also, from Ardmore, Tenn., to points in Arkansas; and (4) *modular homes and prefabricated buildings; portable schools; portable banks, portable office units, and sections, and boats*, between points east of the Mississippi River, for 180 days. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 136883 (Sub-No. 1 TA), filed July 19, 1972. Applicant: INTERMODAL CONTAINER EXPRESS, 10101 North Main Street, Jacksonville, FL 32218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cargo containers and/or chassis*, from Miami, Tampa, and Jacksonville, Fla., Charleston, S.C., and Wilmington, N.C., to Savannah, Ga., for 180 days. Supporting shipper: CTI-Container Transport International, Inc., 31 West Congress, Room 203, Savannah, GA 31401. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136885 (Sub-No. 1 TA), filed July 12, 1972. Applicant: LEO PAUL GUAY, 4 Gosselin Street, St. Henry (Levis) PQ Canada. Applicant's representative: Adrien R. Paquette, 200 Rue St. Jacques, Montreal 126, PQ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products*, from ports of entry on the international boundary lines between the United States and Canada located at Champlain, N.Y., and Highgate Springs and Derby Line, Vt., to points in Maine, Massachusetts, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, and Maryland, for 180 days. Supporting shippers: G. A. Grier & Sons, Ltd., Sun Life Building, 1155 Metcalf, Suite 963, Montreal 110, PQ; Leonard Ellen Inc., Sun Life Building, 1155 Metcalf, Suite 963, Montreal 110, PQ. Send protests to: District Supervisor

Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12147 Filed 8-3-72;8:45 am]

[Notice 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 26 TA), filed July 18, 1972. Applicant: BLACKMON TRUCKING, INC., Post Office Box 186, 1111 120th Avenue, Somers, WI 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, WI 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible frozen ingredients, for fur farm, animal food and dog food*, from plantsite of Bydalek Fur Farms in Kenosha County, Wis., to General Foods Corp. in Kankakee, Ill., and points within 5 miles thereof, restricted to traffic originating at the plantsites of Bydalek Fur Farms and destined to plantsite of General Foods Corp., for 180 days. Supporting shipper: Bydalek Fur Farms, Route 4, Kenosha, Wis. 53140 (Frank M. Bydalek). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 43038 (Sub-No. 452 TA), filed July 18, 1972. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Imported motor vehicles*, complete or not complete, set up or not set up; and (2) *parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service, between points in California, Arizona, Nevada, Utah, and Idaho. Restricted to traffic manufactured, assembled, imported, or distributed by General Motors Corp., for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 43038 Sub-No. 440. Supporting shipper: General Motors Corp., Logistics Corp., 30007 Van Dyke Avenue, Warren, MI 48090. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 50069 (Sub-No. 454 TA), filed July 19, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum, petrolatum*, in bulk, in tank vehicles, from Petrolia, Pa., to Fort Calhoun, Nebr., for 180 days. Supporting shipper: Viscosity Oil Co., 3200 South Western Avenue, Chicago, IL 60608. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 56679 (Sub-No. 67 TA), filed July 17, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue NW., Post Office Box 6985, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Hart, Holland, and Lake Odessa, Mich., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of shipments originating at the warehouse facilities of Ore-Ida Foods, Inc., for 180 days. Supporting shipper: Ore-Ida Foods, Inc., Post Office Box 10, Boise, ID 83707. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 71718 (Sub-No. 2 TA), filed July 18, 1972. Applicant: SPOKANE TRANSFER & STORAGE CO., 117 North Napa Street, Post Office Box 3181, Spokane, WA 99220. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, commodities requiring the use of special equipment, and articles of unusual value), from Spokane, Wash., to Moyie Springs, Idaho, from Spokane over U.S. Highway 10 to its junction with Sullivan Road, thence north to Washington State Highway 290, thence east on said highway to Idaho State Highway 53 and its junction with U.S. Highway 95 to Moyie Springs and return, serving all intermediate points in Idaho and including 5 miles on either side of the highway as off-route points, for 180 days. Supported by: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 118537 (Sub-No. 2 TA), filed July 17, 1972. Applicant: MARX TRUCK LINE, INC., Third and Plymouth Streets, Sioux Sity, Iowa 51105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Building materials*, as described in appendix VI in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, in trailers owned or supplied by a railroad, from Railroad Trailer-on-Flatcar ramps located at Sioux City, Iowa, to Winnebago, Nebr., and (2) *buildings*, precut and knocked down, in trailers owned or supplied by a railroad, from Winnebago, Nebr., to Railroad Trailer-on-Flatcar ramps located at Sioux City, Iowa. Restriction: The Operations authorized herein are limited to shipments having prior or subsequent movement to or from Sioux City, Iowa, via Railroad Trailer-on-Flatcar service, return movement, from Sioux City, Iowa, over U.S. Highway 77 to Winnebago, Nebr., and return over the same route, for 180 days. Supporting shipper: Winnebago Cedar Building, Inc., Winnebago, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 123255 (Sub-No. 23 TA), filed July 17, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 East Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Pet Inc. at Wayland, Mich., to Greenville, Ill., for 180 days. Supporting shipper: Pet Inc., Pet Plaza, 400 South Fourth Street, St. Louis, MO 63166. Send protests to: Frank

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[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building, and U.S. Court House, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 124212 (Sub-No. 65 TA), filed July 17, 1972. Applicant: MITCHELL TRANSPORT, INC., 2111 Chagrin Boulevard, Mailing: Post Office Box 22183, Cleveland, OH 44122. Applicant's representative: John Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Hartford, Conn., to points in Connecticut, and Hampden and Hampshire Counties, Mass., restricted: (1) To traffic originating at the manufacture plant of Lehigh Portland Cement Co. located at Alsen, N.Y. (2) to shipments having an immediate prior movement by rail; and (3) against the joinder or tacking of such authority with any other authority held by applicant, for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, PA 18105. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 125521 (Sub-No. 16 TA), filed July 14, 1972. Applicant: FUNK MOTOR TRANSPORTATION, INC., an Ohio corporation, Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and Bensenville, Ill., to Fremont, Ohio, for 150 days. Supporting shipper: Joseph C. Meyers, doing business as Meyers Distributing Co., 115 North Stone Street, Fremont, OH 43420. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 127355 (Sub-No. 10 TA), filed July 14, 1972. Applicant: M & N GRAIN COMPANY, 610 Park Avenue, Post Office Box 77, Rich Hill, MO 64779. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts:* (1) From Butler, Mo., to Chicago, Ill.; New Orleans, La.; Danversport, and Peabody, Mass.; New York City, N.Y.; Houston and Laredo, Tex.; Fond du Lac, Hartford, and Milwaukee, Wis., and (2) from Stratton, Colo.; Solomon, Kans.; Bismarck, Williston, Minot, and Jamestown, N. Dak.; Oklahoma City, Okla.; Fort Worth, Paris, and Palestine, Tex.; and Des Moines, Iowa, to Butler, Mo., for 180 days. Supporting shipper: Cox Bros. & Co., Butler, Mo. 64730. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 128639 (Sub-No. 7 TA), filed July 14, 1972. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, NH 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood Chips*, in bulk, from ports of entry on the international boundary lines between the United States and Canada located at Jackman and Coburn Gore, Maine, and Pittsburg, NH., to points in Vermont, New Hampshire, and Maine, for 180 days. Supporting shippers: Grondin & Fils, Ltd., Woburn, PQ; J. A. Fontain & Fils, Inc., Box 40, Woburn, PQ; Chaudiere Chipping Center, Inc., Ville St. Georges (Beauce), PQ. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 133318 (Sub-No. 4 TA), filed July 17, 1972. Applicant: VAN DE HOGEN CARTAGE LIMITED, Route 4, Chatham, ON, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Summerville and New Brighton, Pa., to ports of entry on the international boundary line between the United States and Canada located on the Niagara River, for 90 days. Supporting shipper: Webster & Sons Limited, 1912 St. Clair Avenue West, Weston, ON, Canada. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 134599 (Sub-No. 51 TA), filed July 17, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, 265 West 27th South (84115), Salt Lake City, UT 84110. Applicant's representative: Gordon L. Roberts, 520 Kearns Building, Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber products*, and (2) *equipment, materials, and supplies* used in the manufacture of rubber products (except liquid commodities in bulk), between Ardmore, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Uniroyal, Inc., Oxford Management and Research Center, Middlebury, Conn. 06749 (John C. Taylor, Traffic Manager, Operations). Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 125 South State Street, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 13587 (Sub-No. 10 TA), filed July 17, 1972. Applicant: LTL PERISHABLES, INC., 132d and Q Streets Mailing: Post Office Box 37468, 68152, Omaha, NE 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from (1) Sioux Falls, S. Dak., to Omaha, Nebr., Iowa City, Iowa, and Rochester, Minn., and (2) from Minneapolis and St. Paul, Minn., to Sioux Falls, S. Dak., for 180 days. Supporting shipper: Nordica Portion Pack Meats, Inc., and Nordica Frozen Food, Howard, S. Dak. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 136159 (Sub-No. 6 TA), filed July 17, 1972. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVING, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wynaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign parts, sign poles, sign pole parts, electrical advertising display, and fiberglass products, and accessories* when moving therewith, from Elk Grove Village, Burr Ridge, and West Chicago, Ill., to points in the United States (except Alaska and Hawaii); and (2) *refused or rejected shipments on return and materials, equipment, and supplies* which are used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from points in the United States (except Alaska and Hawaii), to Elk Grove Village, Burr Ridge, and West Chicago, Ill., for 180 days. Supporting shippers: Acme Wiley Corp., 2480 Green Leaf Street, Elk Grove Village, Ill.; Sign Corp. of America, 2201 Arthur, Elk Grove Village, Ill.; Federal Sign and Signal Corp., 140 East Tower Drive, Burr Ridge, IL; Advanced Fiber Glass, Ltd., 1201 Hawthorne Lane, West Chicago, IL. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136890 TA, filed July 18, 1972. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Maintenance and sanitation chemicals and equipment, containers, materials, and supplies* used in the manufacture, distribution, or application thereof; (2) *materials and supplies* used in operation of bowling alleys (except commodities in bulk, in tank vehicles), from Buffalo, N.Y.; to Detroit, Mich.; Toledo, Ohio; Pittsburgh, Pa.; Columbus, Ohio; Munster, Ind.; Evergreen Park, Ill.; Allentown, Pa.; Worcester, Mass.; Highland, Ind.; New Albany, Ind.; Clermont, Iowa; Richmond, Va.; St. Louis, Mo.; North Tonowanda and Niagara Falls, N.Y.; and Green Bay and Milwaukee, Wis., and from Brooklyn and Buffalo, N.Y.; Saegertown and Erie, Pa.; Ashtabula, Bowling Green, Toledo and Cleveland, Ohio; Peotone, Addison, Chicago, McHenry, Lake Bluff, and Rosemont,

Ill.; to Des Moines, Iowa; and (3) *Bowling pin finishes*, from Buffalo, N.Y.; to Clermont, Iowa, for 180 days. Supporting shippers: Atlas Products, Inc., 2137 Sunset Road, Des Moines, IA 50303; Basic Chemicals, Inc., 2137 Sunset Road, Des Moines, IA 50303; Nu-Ball Manufacturing Co., Inc., 2137 Sunset Road, Des Moines, IA 50303. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 136891 TA, filed July 18, 1972. Applicant: STAN WATKINS TRUCKING, INC., 406 Fifth Avenue South, Shelby, MT 59474. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* from San Francisco, Calif., to Shelby, Kalispell, Libby, and Havre, Mont.; from St. Paul, Minn.; to Shelby, Mont.; from Seattle, Wash.; to Shelby, Missoula, and Great Falls, Mont.; from Tacoma, Wash., to Shelby, Kalispell, Libby, and Great Falls, Mont.; from Vancouver, Wash., to Shelby and Havre, Mont.; Los Angeles, Calif.; to Missoula, Mont.; from Azusa, Calif., to Kalispell, Libby, and Great Falls, Mont.; from Van Nuys, Calif.; to Shelby, Missoula, and Havre, Mont.; from Minneapolis, Minn.; to Missoula, Mont.; from La Crosse, Wis.; to Shelby, Mont.; and from Milwaukee, Wis.; to Shelby, Missoula, and Great Falls, Mont.; and (2) *carbonated beverages*, from Chico and Vista, Calif.; Portland and Eugene, Oreg.; and Seattle and Yakima, Wash.; and (3) *bottles, kegs, cans, and pallets* on return movement, for 180 days. Supporting shippers: Gusto Distributors, Post Office Box 1213, Great Falls, MT 59403; Lee Distributors, Post Office Box 1194, Kalispell, MT 59901; Triple "C" Distributors, Post Office Box 489, Shelby, MT 59474; Havre Distributors, 935 First Avenue, Havre, MT 59501; Shelby Distributors, 120 Central Avenue, Shelby, MT 59474; Zip Beverage, 938 Phillips Street, Missoula, MT 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-12148 Filed 8-3-72;8:45 am]

[Notice 45]

ASSIGNMENT OF HEARINGS

AUGUST 1, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-119547 Sub 29, Edgar W. Long, Inc., now being assigned continued hearing October 5, 1972, at Washington, D.C. in the offices of the Interstate Commerce Commission.

MC 69635 Sub 4, The Fortune Corp., now being assigned October 3, 1972 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 115703 Sub 6, Kreitz Motor Express, Inc., now assigned August 7, 1972, at Washington, D.C., is postponed indefinitely.

MC 51146 Subs 245 and 246, Schneider Transport & Storage, Inc., now being assigned hearing September 18, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-110923 Sub 8, Albert Livek, doing business as Livek's Trucking Service, now being assigned hearing September 20, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-51146 Sub 252, Schneider Transport, Inc., now being assigned hearing September 21, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-119654 Sub 19, Hi-Way Dispatch, Inc., now being assigned hearing September 22, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-126372 Sub 10, Surefine Transportation Co., now being assigned hearing September 25, 1972, at Salt Lake City, Utah, in a hearing room to be later designated.

MC-121060 Sub 14, Arrow Truck Lines, Inc., now being assigned continued hearing October 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-83835 Sub 87, Wales Transportation, Inc., now being assigned September 18, 1972 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

MC-127834 Sub 70, Cherokee Hauling & Rigging, Inc., now being assigned September 11, 1972 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

MCC-7723, Bulk Haulers, Inc. v. Central Transport, Inc., now assigned August 8, 1972, at Raleigh, N.C.; hearing is postponed to September 26, 1972, at the Federal Building, in Room 209, 310 Newbern Avenue, Raleigh, NC.

MC-60196 Sub 7, Auto Express, Inc., now being assigned October 2, 1972 (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

MC 110264 Sub 37, Albuquerque Phoenix Express, now assigned August 22, 1972, at Washington, D.C., hearing is canceled and application dismissed.

MC 107295 Sub 587, Pre-Fab Transit Co., now being assigned hearing September 25, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-C-7697, Travel Ideas, Inc.; American Automobile Association, Wisconsin Division; Agnes J. Ryan; and Travel & Tour Service, Inc.—Investigation of operations and revocation of license, now being assigned hearing September 20, 1972 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 135870 Sub 1, Hi-Way American, Inc., now being assigned hearing October 2, 1972 (1 week), at Detroit, Mich., in a hearing room to be later designated.

MC 112801 Sub 132, Transport Service Co., now being assigned September 25, 1972 (1 day), MC 116273 Sub 150, D & L Transport, Inc., now being assigned September 26, 1972 (2 days), MC 107295 Sub 605, Pre-Fab Transit, now being assigned September 28, 1972 (2 days), MC 4405 Sub 490, Dealers Transit, Inc., now being assigned October 2, 1972 (1 week), at Chicago, Ill., in hearing rooms to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-12225 Filed 8-3-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 1, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42490—*Soda ash from Baton Rouge, La.* Filed by M. B. Hart, Jr., Agent (No. A6316), for interested rail carriers. Rates on soda ash, in bulk, in carloads, as described in the application, from Baton Rouge, La., to Charleston, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 232 to Southern Freight Association, Agent, tariff ICC S-699. Rates are published to become effective on August 31, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-12226 Filed 8-3-72;8:52 am]

[Notice 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 31, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (Sub-No. 25 TA) (Amendment), filed June 27, 1972, published in the FEDERAL REGISTER issue of July 14, 1972, amended and republished as amended this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047, Post Office Box 93, Ridgefield, NJ 07657. Applicant's representative; George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose, plastic granules* (except in bulk) from the facilities of Colorite Plastics Co., at Ridgefield, N.J., to Delaware City, Del.; Baltimore, Landover, and Linthicum, Md.; Avon, Clinton, Framingham, Natick, and Westboro, Mass.; Nashua and Newmarket, N.H.; Amsterdam, Argyle, Farmingdale, Hancock, New Rochelle, Pauling, and Riverhead, N.Y.; Ashland, Cleveland, East Canton, Hudson, and Wooster, Ohio; Bethlehem and New Kensington, Pa.; Cranston and Providence, R.I., and *scrap plastic* on return from the above-named destinations to the facilities of Colorite Plastics Co., at Ridgefield, N.J., for 180 days. Supporting shipper: Colorite Plastics Co., 101 Railroad Avenue, Ridgefield, NJ. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102. NOTE: The purpose of this republication is to include the return information.

No. MC 103993 (Sub-No. 724 TA), filed July 18, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). 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 Gaston County, N.C., to points in Georgia, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: De Rose Industries, Inc., Post Office Box 382, Kings Mountain, NC 28086. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 111401 (Sub-No. 369 TA), filed July 18, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Roack Island Boulevard, Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock, 2510 Roack Island Boulevard, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic* (Polyvinyl chloride) powder, granules, or pellets, in bulk, in tank vehicles, from Oklahoma City, Okla., to Lubbock, Tex., for 180 days. Supporting shipper: Conoco (Continental Oil Co.), George R. Watson, Assistant Director, Traffic, Post Office Box 1267, Ponca City, OK 74601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114106 (Sub-No. 96 TA), filed July 18, 1972. Applicant: MAYBELLE TRANSPORT COMPANY, Post Office Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, having a prior movement by rail, from Selma, Ala., to points in Alabama and Florida, for 150 days. Supporting shipper: American Maize Products Co., Atlanta, Ga. Send protests to: Frank H. Wait, Jr., District Supervisor Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 114256 (Sub-No. 15 TA) (Correction), filed June 1, 1972, published in the FEDERAL REGISTER issue of June 20, 1972, and July 18, 1972, respectively, and republished in part as corrected this issue. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701. NOTE: The purpose of this partial republication is to reflect the territorial scope as from Fort Lupton, Colo., to Lincoln, Nebr., and the previous listed States, the word to was omitted in previous publication. The rest of the notice remains the same.

No. MC 114632 (Sub-No. 51 TA), filed July 18, 1972. Applicant: APPLE LINES, INC., Post Office Box 507, 212 Southwest Second Street, Madison, SD 57042. Applicant's representative: Robert A. Applewick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, manufactured and/or dealt in by Wholesale and Retail Grocery Houses, from Galesburg, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: United Facilities, Inc., Post Office Box 539, Peoria, IL 61601, Carl F. Zeman, Traffic Manager. Send protests to: District Supervisor, J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 115876 (Sub-No. 22 TA), filed July 18, 1972. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, MN 56560. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preformed milk and dairy product cartons*, and (2) *related materials and supplies* used in the manufacturing and processing of the commodities named in (1) above, from Kansas City, Kans., Fargo, N. Dak., for 180 days. Supporting shipper: Cass Clay Creamery, Inc., 200 North 20th Street, Fargo, ND 58102. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 110878 (Sub-No. 34 TA), filed July 17, 1972. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Post Office Box 955, Elberton, GA 30635. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasives*, from Eustis, Fla., to points in Elbert County, and Pickens County, Ga., for 180 days. Supporting shipper: Atlas Industries, Inc., Eustis, Fla. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW. Atlanta, GA 30309.

No. MC 128215 (Sub-No. 12 TA), filed July 14, 1972. Applicant: MARTIN TRAILER TOTERS, INC., Post Office Box 36, Bogalusa, LA 70427. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger vehicles, in initial movements from points in Madison Parish, La., to points in Mississippi, Texas, Arkansas, Alabama, Oklahoma, Tennessee, and Missouri, for 180 days. Supporting shipper: Intra American Manufacturing Company of Louisiana, a division of Guerdon, Industries, Inc., Mound, La. 71262. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 136982 TA, filed July 19, 1972. Applicant: GLORIA ELLEN DeVOE, doing business as L-N TRUCKING, 2320 Toledo Street, Bluefield, WV 24701. Applicant's representative: Odell H. Huffman, 1604 West Main Street, Princeton, WV 24701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone stone, gravel, sand and dust*, from points in Tazewell County, Va., to points in Mercer County, W. Va., for 180 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it. Supporting shippers: Princeton Ready-Mix, Inc., Princeton, W. Va. 24701; Compton Construction Co., Princeton, W. Va. 24701. Attention: O. D. Compton, President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 300 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-12227 Filed 8-3-72;8:52 am]

[No. MC-29910 (Sub No. 102)]

ARKANSAS-BEST FREIGHT SYSTEM, INC., EXTENSION-PAPER PRODUCTS

Order Modifying Report and Order

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 12th day of July 1972. Arkansas-Best Freight System, Inc., Extension-Paper Products, (Fort Smith, Ark.).

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Red Ball Motor Freight, Inc., filed March 24, 1972, for reconsideration;

(2) Petition of applicant, filed March 24, 1972, for reconsideration;

(3) Reply by applicant, filed April 5, 1972, to (1) above; and

It appearing, that by report and order of February 2, 1972, the Commission, Review Board Number 2, authorized the granting to applicant of a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper products, from the plantsites and warehouse facilities of International Paper Co., at Springhill, La., and Bastrop, La., to points in Illinois, Indiana, and Ohio.

It further appearing, that the application as filed sought authority to handle the named commodities of "paper and paper products," and that the notice in the FEDERAL REGISTER erroneously referred only to "paper products" and that applicant's attorney and representatives through inadvertence and oversight, failed to note this error in the FEDERAL REGISTER;

It further appearing, that the evidence of record shows that the supporting shipper, International Paper Co., has a need for the proposed service by applicant in the transportation of paper in addition to the service authorized by the Review Board, and that the grant of authority made should accordingly be modified to include this commodity;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority as modified, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 35 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by this grant of authority; and good cause appearing therefor:

It is ordered, That in No. MC-29910 (Sub-No. 102), the said report and order of February 2, 1972, be, and it is hereby modified, by adding the words "paper and" to the commodity description appearing on line 4 of the findings paragraph appearing on page 5 thereof.

It is further ordered, That in all other respects the petitions be, and they are hereby, denied for the reasons that the findings of Review Board Number 3 as modified, are in accordance with the evidence and the applicable law.

It is further ordered, That, unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, That this order be published in the FEDERAL REGISTER.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12228 Filed 8-3-72;8:52 am]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 68 (The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 68 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 1, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 31, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-12230 Filed 8-3-72;8:53 am]

[No. MC-C-3868 (Sub-No. 1)]

NORTHSIDE MOVING AND STORAGE

Order Revoking Certificate

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 12th day of July, 1972.

Moses E. McCray, Jr., doing business as Northside Moving and Storage, Cincinnati, Ohio.

It appearing, that by order of September 27, 1963, in the above-entitled proceeding, the Commission, Temporary Authorities Board, revoked Certificate No. MC-41986, dated October 8, 1953, for failure to have on file with the Commission insurance for the protection of the public, as required by section 215 of the Act and for failure to comply with the adequate service requirement of section 216(b) of the Act and the terms, conditions, and limitations of said certificate, and that the said order became effective on November 22, 1963;

It further appearing, that by petition tendered for filing April 10, 1972, respondent requests that Certificate No. MC-41986 be reinstated;

Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor:

It is ordered, That the said petition be, and it is hereby, accepted for filing.

It is further ordered, That notice of the petition be published in the FEDERAL REGISTER.

It is further ordered, That this proceeding, subsequent to the publication of the petition in the FEDERAL REGISTER, be, and it is hereby, designated for further processing to receive evidence as to whether a reinstatement is required by the public convenience and necessity and as to respondent's present fitness to conduct the concerned operations.

It is further ordered, That the petition in all other respects, be, and it is hereby, denied.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12229 Filed 8-3-72;8:53 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATING SAFETY

Boats and Associated Equipment, Defect Notification, and Manufacturer Requirements

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER S—BOATING SAFETY

[CGD 72-55R]

PART 179—DEFECT NOTIFICATION

The purpose of this amendment is to establish rules regarding notification of defects on boats, inboard engines, outboard engines, and stern drive units.

A notice of proposed rule making was published in the FEDERAL REGISTER on April 5, 1972 (37 F.R. 6869), proposing that outboard engines, inboard engines, and stern drive units be defined as "associated equipment" for purposes of section 15 of the Federal Boat Safety Act of 1971 and establishing related notification and reporting procedures.

On May 3, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C. Five written comments were received. The American Boating Association and two individuals supported the concept of defect notification.

One commenter related his personal accident experience and commented that a defect notification system should focus on subsequent purchasers for whom, he contends, manufacturers do not appear to have any real responsibility under the existing law or regulations, because defects will frequently occur in older boats and after they have changed hands. The fifth comment, submitted on behalf of the Boating Industry Association, the Outboard Motor Manufacturers Association, the Boat Manufacturers Association, and the National Association of Engine and Boat Manufacturers, supported by both oral statements at the public hearing, suggested several changes from the proposal including changing proposed §§ 179.05 and 179.11 to allow manufacturers, after approval by the Commandant, to delay beyond 30 days all or part of the notification specified by section 15(c) of the Act. Since defects in question involve serious hazards, it is essential that the purchaser receive prompt notice. On the other hand, where a manufacturer is unable to meet time requirements, section 9 of the Act provides for appropriate exemptions, including extensions of the time limit for reporting, if necessary. For these reasons this suggested change is not adopted.

The comment also recommended changing proposed § 179.09 to allow a manufacturer to include in a defect notice the range of inclusive serial numbers of potentially affected products as an alternative to the inclusive dates of manufacture. Since some products may be more easily identified by the purchaser using the serial number, this change is made in § 179.09 as adopted.

The commenter suggested further that a section be added to proposed Part 179 to require that distributors and dealers selling boats or marine accessories maintain purchaser records and transmit the recorded data to manufacturers, unless a manufacturer certifies that he has adopted an alternative method of purchaser recordkeeping. The authority of the Coast Guard to issue regulations under section 15 of the Act is limited by section 15(b)(1), which imposes the obligation of "creating and maintaining a list of such purchasers" upon the manufacturers, but not on distributors or dealers. Senate Report No. 92-248 (1971) describes the requirements of the section as follows:

> This section * * * sets forth certain responsibilities of manufacturers * * *" (at p. 22). There is no mention of any responsibilities of distributors and dealers. The proposal draws a parallel with the "Motor Vehicle Safety Standards" related to tire distributors and dealers. Unlike section 15 of the Federal Boat Safety Act, 15 U.S.C. 1402(f) reads in pertinent part as follows: The Secretary may establish, by order, procedures * * * to be followed by distributors and dealers to assist manufacturers to secure the information * * *.

The comment stresses: "While the legislative history of the Act provides assurance that maintenance of warranty cards could satisfy this reasonable diligence requirement, we are concerned that many manufacturers will not experience a high rate of warranty card return. * * * this could expose manufacturers to liability and severe business loss." Regardless of previous experience with warranty card returns, a clear notice from the manufacturer of the importance of warranty card returns for notification and correction of defects purposes may increase the number of returns and reduce the manufacturing liability risks. The Coast Guard is not convinced that manufacturers who exercise "reasonable diligence in creating and maintaining a list" will [nevertheless] be exposed "to liability and severe business loss." There are several problems preventing adoption of the suggestion, in addition to lack of authority, including:

(1) Antitrust.

(2) Disclosure of customer names.

(3) Jurisdiction over innumerable dealers and distributors.

(4) Lack of experience as to the inadequacy of warranty cards or other systems.

Therefore, the suggested regulations are not adopted.

The comment also proposed that a section be added to the proposed regulations to allow records of purchasers to be destroyed 4 years from the last day of the month in which a retail purchase occurred. Neither the Coast Guard nor the industry has had lengthy experience in the management of the defect notification program. While it may be desirable from the manufacturer's viewpoint to have a time limit on the maintenance of a first purchaser list, it will be several years before the Coast Guard, through actual experience, can decide what time limit, if any, would be reasonable. So far, one major safety problem indicates that the suggested 4-year limitation may in fact be unreasonable. There have been numerous cases of a severe turn due to steering failures brought about by corrosion caused by the use of dissimilar metals for steering components on many stern drive boats manufactured from 1964 through 1969. These defects have caused fatal accidents and severe injuries. One comment stated: "Suddenly, and without any warning whatsoever, the boat went into a severe port turn, throwing both the operator and myself into the water. The boat passed over both of us causing the injuries to myself and the death of my friend." Therefore, the suggested change is not adopted.

Upon consideration of all written and oral recommendations, the proposed amendment is adopted with the following changes:

1. "Authority: The provisions of this Part 179 issued under 46 U.S.C. 1464 (f) and (g); 49 CFR 1.46(o)(1)." (To bring the citation up to date.)

2. In paragraph (b) of § 179.09, the words "or serial numbers" are added after the words "* * * inclusive dates (month and year) of the manufacture."

In the notice of proposed rule making, this rule was numbered as Part 171 of Subchapter S of Title 33 of the Code of Federal Regulations. The numbering has been changed from Part 171 to Part 179.

Effective date. This amendment is effective 30 days after publication.

Dated: July 12, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Sec.
179.01 Purpose.
179.03 Definitions.
179.05 Manufacturer discovered defects.
179.07 Notice given by "more expeditious means."
179.09 Contents of notification.
179.11 Defects determined by the Commandant.
179.13 Initial report to the Commandant.
179.15 Followup report.
179.17 Penalties.
179.19 Address of Commandant.

AUTHORITY: The provisions of this Part 179 issued under 46 U.S.C. 1464 (f) and (g); 49 CFR 1.46(o)(1).

§ 179.01 Purpose.

This part prescribes rules to implement section 15 of the Federal Boat Safety Act of 1971 governing the notification of defects in boats and associated equipment.

§ 179.03 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971.

(b) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

(c) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(d) "Associated equipment" means an—

(1) Inboard engine,

(2) Outboard engine, or

(3) Stern drive unit

as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories.

§ 179.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard prescribed pursuant to section 5 of the Act by section 15(a) of the Act shall furnish that notice within 30 days after he discovers or acquires information of the defect or failure to comply.

§ 179.07 Notice given by "more expeditious means."

Each manufacturer who gives the notice required by section 15 of the Act by more expeditious means than certified mail must give such notice in writing.

§ 179.09 Contents of notification.

Each notice required by section 15(a) of the Act must include the following additional information:

(a) The name and address of the manufacturer.

(b) Identifying classifications including the make, model year, if appropriate, the inclusive dates (month and year) of the manufacture, or serial numbers and any other data necessary to describe the boats or associated equipment that may be affected.

§ 179.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under section 15(e) of the Act that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard prescribed pursuant to section 5 of the Act shall, within 30 days of receipt of the information—

(a) Furnish the notification described in section 15(c) of the Act to the persons designated in section 15(b) of the Act, or

(b) Present his views to the Commandant by certified mail to establish that there is no defect relating to safety or failure of compliance.

§ 179.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required by section 15 of the Act, he shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication that he has given to the persons required to be notified under section 15(b) of the Act;

(2) The total number of boats or associated equipment potentially affected by the defect or failure to comply with a standard prescribed pursuant to section 5 of the Act; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.

§ 179.15 Followup report.

(a) Each manufacturer who makes an initial report required by § 179.13 shall submit a followup report to the Commandant by certified mail within 60 days after the initial report. The followup report must contain at least the following information:

(1) A positive identification of the initial report;

(2) The number of units in which the defect was discovered as of the date of the followup report;

(3) The number of units in which corrective action has been completed as of the date of the followup report;

(4) The number of first purchasers not notified because of an out-of-date name or address, or both; and

(5) An updating of the information required by § 179.13.

(b) Each manufacturer shall submit any additional followup reports requested by the Commandant.

§ 179.17 Penalties.

(a) Each manufacturer who fails to furnish a notification as required by section 15(a) of the Act or fails to exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of the Act is subject to the penalties prescribed by section 35(a) of the Act.

(b) Each manufacturer who fails to comply with any other provision of section 15 of the Act or the regulations in this part is subject to the penalties prescribed by section 35(b) of the Act.

§ 179.19 Address of Commandant.

Each report and communication sent to the Coast Guard required by this part must be submitted to:

U.S. Coast Guard (BBC/62), 400 Seventh Street SW., Washington, DC 20590.

[FR Doc.72-12020 Filed 8-3-72;8:45 am]

[CGD 72-60]

PART 181—MANUFACTURER REQUIREMENTS

The purpose of these amendments to Subchapter S of Chapter 1, Title 33, Code of Federal Regulations, is to add a new Part 181, which contains manufacturer requirements for certification of compliance and assignment of hull identification numbers.

A notice of proposed rule making was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8044), proposing adoption of manufacturer requirements under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488).

On May 17, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period April 22, 1972, to May 31, 1972, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

The majority of comments received fall into three major subject areas: (i) Objections to requirements for date of manufacture, (ii) comments concerning the provisions for a private label option, and (iii) comments concerning the size, placement, contents, etc. of the certification label and other markings.

The objections to the proposed requirement for date of manufacture on the certification label were based, for the most part, on the contention that a date of manufacture shown on the certification label would influence the consumer to buy a boat or item of associated equipment bearing the most recent date of manufacture, the consumer thinking that such a boat or equipment is more current or better than an identical model showing an earlier date of manufacture.

In considering this objection, the Coast Guard reviewed the effect of similar rule making by the National Highway Traffic Safety Administration (NHTSA). In late 1968, NHTSA proposed regulations requiring that the date of manufacture of an automobile be shown on a certification label attached to the automobile. Foreign car manufacturers objected strenuously to this proposal since their cars would bear a date of manufacture 6 months or more "older" than comparable domestic autos. The requirement for date of manufacture, however, was retained in the final rule. During the past 3 years that the rule has been in effect, it has had virtually no adverse effect on the buying habits of automobile consumers. In view of this experience, the Coast Guard feels that the anticipated adverse effects of date of manufacture on boats and associated equipment will not materialize.

As an alternative to date of manufacture, one comment suggested that the date of certification shown on the certification label be the effective date of the latest applicable standard in effect when the product was built or manufactured. The difficulty with this procedure is that in time new products may be built in conformance with standards having an effective date several years old. If the consumer is to be misled at all by the dates on the certification label, he would surely be misled in this instance into thinking the product was not new or

current, or not built to the last standards.

Several comments suggested the use of a model year designation on the certification label as an alternative to the date of manufacture. This procedure would have the manufacturer build and certify to all applicable standards in effect at the commencement of the model year. If it were necessary for the Coast Guard to issue an "emergency" standard after commencement of the model year, the standard could specify a letter suffix be added to the model year on the label to indicate compliance with that standard. Another variation would have supplementary certification plates specified in the mid-model-year standard. Several comments noted that if there were ever any doubt in the mind of Coast Guard compliance personnel as to what standards a product were built to meet, the Coast Guard could always consult the manufacturers' records to determine the exact date of manufacture.

Several more reasons were given in favor of model year designations. Use of model year would encourage the manufacturer to build and certify ahead to the newest standards to become effective in a forthcoming model year. Finally, a model year option would permit the manufacturer to preprint certification labels in bulk quantities, whereas the date of manufacture will require each label to be individually stamped.

In considering these comments, the Coast Guard feels that the feasibility of the model year alternative depends upon being able to coordinate the effective dates of standards with the commencement of the model year. The additional procedures of using letter suffixes, or supplementary labels, or possibly having to review manufacturer records, would only complicate a regulation that must be kept simple and straightforward. Although the Coast Guard intends to make every reasonable effort to coordinate the effective dates of standards with commencement of model year, until experience shows that this can be done consistently, we feel it would be unwise to allow a model year dating option at this time. The requirement for date of manufacture is, therefore, retained in the final rule.

At the same time, we realize that some consumers may be conditioned to model year merchandising. We have, therefore, revised § 181.15 to allow the manufacturer the option of showing the model year on the certification label in addition to the date of certification. A further option is allowed the boat or hull manufacturer in that he may display the hull identification number (which contains the date of certification) on the certification label instead of the date of certification, or the boat or hull manufacturer may delete the date of certification from the label by showing the compliance statement allowed by § 181.15(a)(2)(ii). In either case, compliance personnel can determine the date of certification by referring to the hull identification number. It should be emphasized that the optional display of the hull identification number on the certification label will not satisfy the requirement for display of the hull identification number on the hull transom contained in § 181.29.

Section 181.15 has also been revised to permit other specific items of consumer information to be displayed on the certification label. The provision for a private label option in § 181.9(b) was the subject of numerous comments. One comment indicated that the wording of § 181.9(b) appears to allow that only the private label merchandiser can affix the certification label. This was not the intent of the rule. Nothing in the rule prohibited a manufacturer from affixing a label bearing the name and address of a private label merchandiser. These arrangements are entirely between the manufacturer and private label merchandiser. To clarify this option, however, the wording of § 181.9(b) has been revised. In addition a definition of private label merchandiser has been added to § 181.3.

One comment indicated that the private label option of § 181.9(b) coupled with the date of certification requirements of § 181.15(b) could combine to give a private label merchandiser a dating advantage over a manufacturer. The comment contends that under the proposed rule, a private label merchandiser could delay accepting delivery of the product until the advent of the selling season and then affix a certification label showing the date on which the product is taken from the place of manufacture and enters trade channels.

This comment indicates a possible misunderstanding of § 181.15(b). The flexibility in selecting a date of certification allowed by § 181.15(b) applies equally to both the manufacturer and the private label merchandiser. If the manufacturer is able to stockpile a product at the place of manufacture for a private label merchandiser (and thereby delay affixing the certification label) then he can exercise the same option for the same product he will market under his name.

Another comment pointed out that the wording of § 181.9(b) extends the private label option to merchandisers of boats but not merchandisers of associated equipment. The wording of § 181.9(b) has therefore been revised to include associated equipment.

One comment recommended that the language in § 181.15(a), describing the contents of the certification label, be revised to more clearly show that the name and address of a private label merchandiser is permitted on the label. Section 181.15(a) has been revised accordingly to specifically show that the name of a private label merchandiser may be on the label.

Another comment expressed concern that if a person takes advantage of the private label provision in § 181.9(b), then he will be held responsible for compliance of the product and also be held liable for notifying first purchasers of defects or failure to comply with standards. The Coast Guard has permitted the use of private label because it is a long recognized and accepted marketing practice. Nothing in the rule requires or implies that in order to take advantage of the private label practice a person must assume compliance responsibility. In a noncompliance incident, unless it should prove that the private label merchandiser is in some way at fault for improper handling of the product, then the manufacturer will retain responsibility for the failure to comply. Neither is the private label merchandiser liable for defects notification. Under section 15 of the Federal Boat Safety Act of 1971, this responsibility rests ultimately with the manufacturer.

The third subject area of the proposed regulation mentioned in numerous comments was that of labels or markings required; that is, their size, placement, method of attachment, etc. Several comments recommended that the regulations be revised to specifically allow the manufacturer to combine the various labels and markings required. In one such comment, it was suggested that the certification label and hull identification number on boats be combined in one label or marking and placed at the helm position.

As was previously noted, § 181.15 has been revised to permit the hull identification number, and certain other specific items of consumer information, to be shown on the certification label at the option of the manufacturer. Safety markings, such as capacity plates, should not be combined with other labels such as certification labels or hull identification numbers.

The Coast Guard feels that this would only reduce the prominence and effectiveness of the safety marking. The Coast Guard is, however, mindful of the manufacturers' concern with the number of labels or markings he may, in time, be required to display. We wish to keep these labels to a minimum. If in future rule making the number of required labels increases to any extent, we will reconsider the possibility of combining labels and markings.

Another comment on labels requested that the regulations leave the manufacturer as much freedom as possible to integrate the plates into his product in esthetically pleasing ways.

The requirements for plates have been made as broad and as flexible as possible. In a few instances, we have had to lay down specific requirements; e.g., minimum letter size for readability and placement of labels for visibility. The Coast Guard feels, however, that these requirements should not present any substantial design or styling conflicts.

One comment requested that the dimensions of Coast Guard required plates be made compatible with the requirements of various State laws. The rule does not specify dimensions for the plates or labels. Sections 181.17 (certification label) and 181.29 (hull identification number) do specify minimum letter size for readability.

However, all the other requirements for labels (i.e. permanence, etc.), in §§ 181.19 and 181.29, are general in nature and should not conflict with State requirements.

One comment pointed out that § 181.29 does not allow all possible methods of

affixing the hull identification number. Section 181.29 has, therefore, been revised to permit any method of affixing numbers which will meet the objectives of the rule.

One comment stated that the minimum size for the hull identification number was much too small and would soon be obliterated by paint, varnish, dirt, etc. The comment also suggested that the hull identification number be moved inside the boat to better protect it.

In establishing one-fourth of an inch as the minimum size for the hull identification number, the Coast Guard believes that the number will remain legible with reasonable and normal care. As for reading a hull identification number placed inside the hull, while this may be practical on relatively small boats, it may not be possible to read from alongside on a larger boat with relatively high freeboard or one having protective fairings along the sides.

Another comment stated that § 181.29 (a) did not provide a standard number location for non-transom-hull or multihull craft. Section 181.29(a) has been revised accordingly.

One comment requested that no limit be placed on the number of characters in the hull identification number so that a manufacturer could use special identifiers for model types, option groups, etc. Section 181.27 does permit a manufacturer to assign any arrangement and number of additional characters after the standard format of the hull identification number. These additional characters can be used to identify model types, option groups, etc.

With regard to assignment of hull identification numbers, one comment stated that manufacturers will need at least 6 months leadtime to obtain a manufacturer's I.D. code and set up assignment procedures. In considering this comment, the Coast Guard has established an effective date of November 1, 1972, for the requirements for assignment of hull identification numbers. We feel that this will provide ample leadtime.

In addition to the comments on date of manufacture, private label option, and label size, arrangement, etc., there were several comments of a more general nature.

One comment, directed toward the applicability of the certification requirements, stated that §§ 181.5 and 181.7 could be misconstrued to require a certification label on associated equipment to which no standards apply.

After considering this comment, The Coast Guard feels that § 181.5 specifically and positively states that the requirements for manufacturers apply to boats and associated equipment to which a standard applies. Possibly, the word "boat" in the phrase "boat safety standard" might be misleading and it is therefore deleted from the phrase wherever it appears in Part 181. However, it should be clear that if a standard does not apply to a particular boat or item of associated equipment then it cannot be certified.

One comment directed toward the requirements of Part 181 as a whole stated that the regulations were unnecessary and expensive harassment of the boating public and industry. Two comments endorsed the requirements embodied in Part 181 as necessary and desirable.

The Coast Guard feels the requirements for certification labels and hull identification numbering are clearly for the benefit and protection of the American boating public. Certification will be an indispensable means of insuring compliance with Federal safety standards in the most economical and expedient way possible. Hull identification numbering will facilitate rapid and positive identification of lost and stolen boats and will account for specific boats in compliance and safety defects matters.

In the notice of proposed rule making, this rule was numbered as Part 172 of Subchapter S of Title 33, Code of Federal Regulations. The numbering has been changed from Part 172 to Part 181.

In consideration of the foregoing, Subchapter S of Chapter I, Title 33, Code of Federal Regulations, is amended by adding a new Part 181 to read as follows:

Subpart A—General

Sec.
181.1 Purpose and applicability.
181.3 Definitions.

Subpart B—Manufacturer Certification of Compliance

181.5 Purpose and applicability.
181.7 Compliance certification label required.
181.9 Affixing labels.
181.11 Exceptions to labeling requirement.
181.13 Removal of labels.
181.15 Contents of label.
181.17 Label numbers and letters.
181.19 Construction of labels.

Subpart C—Identification of Hulls

181.21 Purpose and applicability.
181.23 Hull identification numbers required.
181.25 Hull identification number format.
181.27 Additional characters in hull identification number.
181.29 Hull identification number display.
181.31 Manufacturer identification assigned.

AUTHORITY: The provisions of this Part 181 issued under secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o)(1).

Subpart A—General

§ 181.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

§ 181.3 Definitions.

As used in this part—

(a) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation into the United States for sale of boats, associated equipment, or components thereof.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, or rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Associated equipment" means—

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to, a boat; and

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(4) Excluding radio equipment.

(d) "Date of certification" means the date on which a boat or item of associated equipment is certified to comply with all applicable U.S. Coast Guard safety standards in effect on that date.

(e) "Date of manufacture" means the month and year during which construction or assembly of a boat or item of associated equipment begins.

(f) "Model year" means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

(g) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, boats or items of associated equipment manufactured by another.

Subpart B—Manufacturer Certification of Compliance

§ 181.5 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which section 4 of the Federal Boat Safety Act of 1971 applies and to which a safety standard prescribed in Part 183 of this chapter applies.

§ 181.7 Compliance certification label required.

Unless there is affixed to it a certification label that contains the information required by § 181.15—

(a) No person who manufactures, constructs, or assembles a boat or associated equipment may deliver that boat or equipment for the purpose of sale;

(b) No person may import into the United States any boat or associated equipment; and

(c) No person engaged in the business of selling or distributing boats or associated equipment may sell or offer for sale any boat or associated equipment.

§ 181.9 Affixing labels.

(a) Each manufacturer of a boat or item of associated equipment to which a standard or regulation prescribed in Part 183 of this chapter applies shall affix a certification label that contains the information required by § 181.15 to that boat or equipment before it—

(1) Leaves the place of manufacture for the purpose of sale; or

(2) Is imported.

(b) The manufacturer of a boat or item of associated equipment that is sold to a private label merchandiser may, at

the option of the private label merchandiser, affix a certification label identifying the private label merchandiser as the manufacturer before the boat or item of associated equipment leaves the place of manufacture.

§ 181.11 Exceptions to labeling requirement.

(a) This part does not apply to boats or associated equipment intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) If an item of associated equipment is so small that a certification label that meets the requirements in § 181.15 cannot be affixed to it, a certification label that contains the information required by § 181.15 may be printed on the smallest container in which the item is packed or on a slip packed with the item.

§ 181.13 Removal of labels.

No person may remove a label required by this part or remove or alter any information on a label required by this part, unless authorized by the Commandant.

§ 181.15 Contents of labels.

(a) Each label required by § 181.7 must contain—

(1) The name and address of the manufacturer or private label merchandiser who certifies that the boat or item of associated equipment complies with the standards prescribed in Part 183 of this subchapter; and

(2) Except as provided in paragraph (c) of this section, the words—

(i) "This (insert "Boat" or "Equipment") Complies With U.S. Coast Guard Safety Standards In Effect On (insert date of certification as prescribed in paragraph (b) of this section)"; or

(ii) If the item being certified is a boat or boat hull, the label may show the words, "This Boat Complies With U.S. Coast Guard Safety Standards In Effect On The Date of Certification."

(b) Date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the place of manufacture or assembly or import for the purposes of sale.

(c) If a boat displays the stability warning label required by § 183.23 of this subchapter, the words "Except Load Capacity" must be inserted after the words "Safety Standards" and before "In Effect" in the statement prescribed by paragraph (a)(2) of this section.

(d) Except as provided in paragraph (e) of this section, the manufacturer may, in addition to the information required by paragraphs (a), (b), and (c) of this section, display on the certification label any or all of the following items of information:

(1) Model name or designation.

(2) Hull identification number (if a boat) or serial number (if an item of associated equipment).

(3) Model year.

(e) Display of the hull identification number on the certification label does not satisfy the display requirements of § 181.29.

§ 181.17 Label numbers and letters.

Letters and numbers on each label must—

(a) Be no less than one-eighth of an inch in height; and

(b) Contrast with the basic color of the label, except that the date of certification may be permanently stamped, engraved, or embossed on the label.

§ 181.19 Construction of labels.

(a) Each label must be made of material that can withstand exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal use of the boat or item of associated equipment without deterioration of legibility.

(b) Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

Subpart C—Identification of Hulls

§ 181.21 Purpose and applicability.

This subpart prescribes the requirements for identification of hulls of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

§ 181.23 Hull identification numbers required.

Except as provided in paragraph (b) of this section—

(a) Each manufacturer of a boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart;

(b) Each person who imports a boat or boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart, unless the manufacturer of that hull or boat has already identified the hull with a hull identification that meets the requirements of this part; and

(c) No person may assign the same first eight characters of a hull identification number to more than one boat hull.

§ 181.25 Hull identification number format.

Each hull identification number required by § 181.23 must consist of 12 characters as follows:

(a) The first three characters must consist of a manufacturer identification assigned under § 181.31.

(b) Characters 4 through 8 must be assigned by the manufacturer and must be letters of the English alphabet or Arabic numerals or both, except the letters I, O, and Q.

(c) Characters 9 through 12 must indicate the date of certification. The characters must be either—

(1) Arabic numerals with characters 9 and 10 indicating the month and characters 11 and 12 indicating the last two numerals of the year; or

(2) A combination of Arabic numerals and letters of the English alphabet with character 9 indicated as "M," characters 10 and 11 the last two numerals of the model year, and character 12 the month of the model year. The first month of the model year, August, must be designated by the letter "A," the second month, September, by the letter "B," and so on until the last month of the model year, July.

§ 181.27 Additional characters in hull identification number.

A manufacturer may display additional characters after the 12 characters required by § 181.25 if they are separated from the hull identification number by a hyphen.

§ 181.29 Hull identification number display.

(a) The hull identification number must be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat in such a way that alteration, removal, or replacement would be obvious and evident.

(b) The characters of the hull identification number must be no less than one-fourth of an inch in height.

§ 181.31 Manufacturer identification assigned.

(a) Each person required by § 181.23 to affix a hull identification number may request a manufacturer identification from the Commandant (GBBC), 400 Seventh Street SW., Washington, DC 20590. There is no charge for the assignment.

Effective date. This amendment shall become effective on November 1, 1972.

Dated: July 27, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-12021 Filed 8-3-72;8:45 am]

[CGD 72-61R]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

The purpose of these amendments is to prescribe safety standards for safe loading, safe powering, emergency flotation, and marking of capacity information on certain boats. A notice of proposed rule making was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8046), proposing adoption of these safety standards under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488).

On May 17, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period April 22, 1972, to May 31, 1972, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

Each standard has been developed in accordance with the requirements of section 6 of the Federal Boat Safety Act of

1971. The Boating Safety Advisory Council was consulted on March 28, 1972. The Council recommended that the standards be published as regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meetings are available from the Executive Director, Boating Safety Advisory Council, at this address. A different part number from that proposed in the notice has been selected for addition of these rules to Title 33. Subchapter S, Boating Safety, was added to Title 33 on July 7, 1972 (37 F.R. 13346).

During the comment period, comments were received concerning Subpart B—Display of Capacity Information. Comments stated that the maximum number of persons, calculated on the basis of 150 pounds per person required to be displayed, did not consider that the actual weight of a person can vary widely as between adult and child and that a group of one adult and a number of children could exceed the number of persons stated on the plate without exceeding the maximum person weight determined as a step in calculating maximum number of persons. The Coast Guard agrees with these comments and § 183.25(b) (1) and (2) now requires the display of the maximum persons capacity in pounds in lieu of the number of persons at 150 pounds per person. Comments requested that the maximum number of persons statement required by proposed § 180.25(b) be revised to indicate that it is only a guide and that only the maximum weight in pounds should govern. The effect of this proposal would be that additional persons who are able to move about and whose center of gravity is generally quite high could be substituted for gear or motor weight which is not so subject to movement and is generally lower in the boat than persons. Maximum weight capacity requirements are based generally on the size of the boat. They do not consider the boat's stability characteristics. The maximum weight of persons must never exceed this value but may be further restricted by the boat's stability characteristics as determined by the performance test in § 183.39, § 183.41, or § 183.43 as applicable. The maximum weight of persons, based on a boat's stability characteristics, is important safety information and should receive equal emphasis with the maximum weight capacity.

A further comment requested that, if a smaller outboard motor than that listed on the capacity information were installed, the difference in weight be allowed as extra passenger weight. While under the requirements the weight difference can be applied as extra gear weight, it cannot be applied as passenger weight because of the stability considerations.

Several comments objected to the wording of the safety warning of proposed Figure 180.23 in that the phrase "Boat Overturns Easily" may imply that the boat is inherently unsafe. The wording of Figure 183.23 has been revised to incorporate wording suggested by the Hull Performance Committee of the American Boat and Yacht Council: "Boat May Overturn, Operate With Care."

Several comments pointed out differences in the proposed capacity marking requirements of § 180.25 from those of similar markings now being placed voluntarily on boats by some manufacturers and those required by some States.

Section 2 of the Federal Boat Safety Act of 1971 indicates that it is a purpose of the Act to encourage greater uniformity of boating laws and regulations as among the several States and the Federal Government. As this purpose is achieved, the differences in State requirements, which apply on waters solely under State jurisdiction, and the Coast Guard requirements will decrease.

One comment suggested that each boat be marked with the sea and weather conditions and level of seamanship under which the capacity information applies. The number of combinations of boat size, type, and service is immense and there is not sufficient justification at the present time to require such marking.

Two comments concerned the possible effect of the required persons capacity display on the sale and use of pirogues, whale boats, dories, skiffs, and other boats of historical or unique design as well as very small "car toppers" and dinghies. While some boats of unique design or very small size may have calculated persons capacities of lesser weight than they appear to be able to carry based on the number of thwarts or seating positions, § 183.23 allows a higher value to be displayed on boats built before August 1, 1973, if appropriate stability warning labels are also displayed. Neither comment contained data supporting the expressed concern. However, if it proves necessary, the Coast Guard will consider further the stability and safety characteristics of these types of boats during the period in which warning label display is authorized.

Another comment suggested that racing and other high performance boats be excepted from the requirement to display horsepower capacity information. The comment indicates that such boats are carefully designed and are operated by real experts. The use to which a boatman puts a boat may not be that for which the boat is designed. Boats designed for racing are used for more general boating activities by boatmen of varying skills. The standard for display of capacity information is intended to provide safety information to the boatmen who may not have expert knowledge of a particular boat's characteristics.

Subpart C—Safe Loading concerns the calculations and testing necessary to determine persons capacity and maximum weight capacity to be displayed on the capacity information in § 183.25. The subpart, as adopted, has been revised to delete the portions of the calculations concerning the determination of number of passengers to agree with the changes in Subpart B—Display of Capacity Information.

Other comments concerned Subpart D—Safe Powering. A comment noted that Table 183.53 did not apply to boats having a factor between 52.5 and 53. This has been corrected by reducing the the minimum factor in the lower portion of the table to 52.5. Also, § 183.25 has been revised to allow a manufacturer to display a horsepower capacity on the boat which is less than the horsepower determined in Table 183.53. This will allow the manufacturer additional flexibility in determining the required capacity information without a decrease in the level of safety.

One comment expressed concern that a boat with a transom having excessive flare in the upper region might gain an unwarranted power advantage in the safe powering standard prescribed in Subpart D. This standard is essentially the same as that being used in a current industry association voluntary certification program. There is no evidence of manufacturer misuse of this standard. If this does become a common practice, The Coast Guard will consider amending the standard.

Other comments concerned Subpart E—Flotation. Several comments noted that the quantity of flotation needed in a given boat to comply with the performance requirements of § 183.63 is less than that which would result if the calculation method of § 183.67 is used. Section 183.63 establishes the performance level which the boat must attain. Section 183.67 provides an alternate method, which does not require in-the-water testing. This calculation rule can be applied to a wide variety of hull shapes and sizes and thus it is stated more conservatively than § 183.63.

One comment questioned the propriety of disregarding holes in the motorwell of outboard boats to allow passage of control cables when calculating the maximum displacement in accordance with § 183.35. These openings have been allowed in industry-recommended practices and State regulations and laws for many years. Holes of the size and location allowed have not been a primary cause of boat flooding in reported boat accidents.

A comment questioned the necessity of § 183.65(b) which permits the use of air chambers for flotation until August 1, 1973, since there is no requirement for flotation prior to that date. Section 183.65(b) has been deleted.

Requirements for flotation is §§ 183.63, 183.65, and 183.67 have been changed from the proposal to allow the manufacturer greater latitude in choosing flotation materials. This change is in response to comments that the "inherently buoyant" limitation on flotation materials in the proposal did not encourage the development of new flotation methods.

One comment objected to the proposed effective dates of the standards. These dates, earlier than 180 days from the

date at which the rule is published, are needed in order that boats produced during the winter production period for sale in 1973 will meet the standards.

The safe loading, safe powering, and display of capacity information standards will provide the boatman with important safety information. These standards do not require design changes to boats and the effective date of November 1, 1972, is considered as reasonable. This date coincides with the effective date of the Certification Label requirements in New Part 181.

The Flotation Standard may involve design changes for some boats. The effective date, August 1, 1973, will allow sufficient time for these changes to be made. The effective date coincides with the beginning of a new model year for many manufacturers.

In the notice of proposed rule making, this rule was numbered as Part 180; the numbering has been changed from Part 180 of Subchapter S of Title 33, Code of Federal Regulations, to Part 183.

In consideration of the foregoing, Subchapter S of Chapter I, Title 33, Code of Federal Regulations, is amended by adding a new Part 183 to read as follows:

Subpart A—General

Sec.
183.1 Purpose and applicability.
183.3 Definitions.

Subpart B—Display of Capacity Information

183.21 Applicability.
183.23 Capacity marking required.
183.25 Display of markings.
183.27 Construction of markings.

Subpart C—Safe Loading

183.31 Applicability.
183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.
183.35 Maximum weight capacity: Outboard boats.
183.37 Maximum weight capacity: Boats without mechanical propulsion.
183.39 Persons capacity: Inboard and inboard-outdrive boats.
183.41 Persons capacity: Outboard boats.
183.43 Persons capacity: Boats without mechanical propulsion.

Subpart D—Safe Powering

183.51 Applicability.
183.53 Horsepower capacity.

Subpart E—Flotation

183.61 Applicability.
183.63 Quantity of flotation required.
183.65 Flotation materials.
183.67 Method for determining quantity of flotation.

AUTHORITY: The provisions of this Part 183 issued under secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228 (46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o)(1).

Subpart A—General

§ 183.1 Purpose and applicability.

This part prescribes standards and regulations for boats and associated equipment to which section 12 of the Federal Boat Safety Act of 1971 applies and to which certification requirements in Part 181 of this subchapter apply.

§ 183.3 Definitions.

(a) "Beam" means the maximum transverse distance between the outer sides of the hull excluding fenders, joiner strips, and other extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Length" means the straight line horizontal distance between the intersection of the stem and stern profiles with the sheer excluding fenders or other extensions.

(d) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or pontoon boat is not a monohull boat.

(e) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(f) "Sheer" means the fore-and-aft curve in a vertical plane of the topmost line in a vessel's side.

(g) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

Subpart B—Display of Capacity Information

§ 183.21 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

§ 183.23 Capacity marking required.

(a) Except as provided in paragraph (b), each boat must be marked in the manner prescribed in §§ 183.25 and 183.27 with the maximum weight capacity, maximum persons capacity determined under §§ 183.33 through 183.43, and maximum horsepower capacity determined under § 183.53.

(b) Any boat, the construction or assembly of which begins before August 1, 1973, may have displayed thereon a maximum persons capacity greater than that determined in §§ 183.39 through 183.43 if the maximum persons capacity displayed does not exceed the maximum weight capacity and the boat displays at least two stability warning labels prescribed in paragraph (c) of this section.

(c) Each of the stability warning labels required by paragraph (b) of this section must—

(1) Be waterproof;

(2) Be displayed at normal boarding positions; and

(3) Have a plan view of the boat and the words in block letters in the sizes shown in figure 183.23 in colors that contrast with the background of the label.

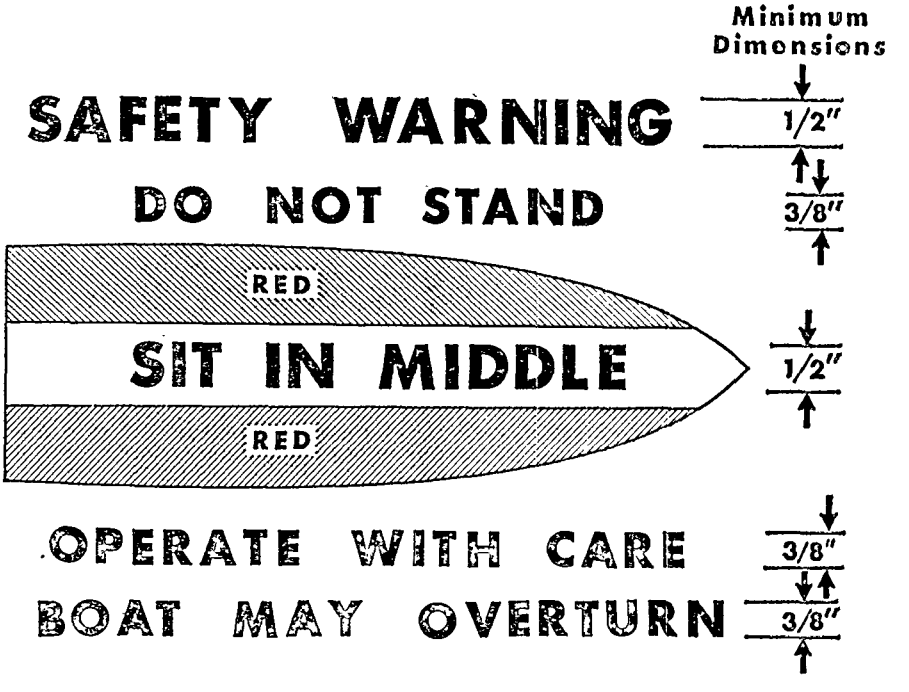

Figure 183.23

§ 183.25 Display of markings.

(a) Each marking required by § 183.23 (a) must be permanently displayed in a legible manner where it is clearly visible to the operator when he is getting the boat underway.

(b) The information required to be marked by § 183.23(a) must be displayed in the following manner—

(1) For outboard boats:

U.S. Coast Guard Capacity Information

Maximum horsepower.....XXX
Maximum persons capacity (pounds).. XXX
Maximum weight capacity (persons, motor, and gear) (pounds)..... XXX

(2) For inboard boats, inboard-outdrive boats, and boats without mechanical propulsion:

U.S. Coast Guard Capacity Information

Maximum persons capacity (pounds).. XXX
Maximum weight capacity (persons and gear) (pounds)..... XXX

§ 183.27 Construction of markings.

Each marking required by § 183.23(a) must be—

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

Subpart C—Safe Loading

§ 183.31 Applicability.

This subpart applies to monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats.

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

(a) The maximum weight capacity marked on a boat that has one or more inboard engines or inboard-outdrive units for propulsion must not exceed W in the formula:

$$W=\frac{\text{(Maximum displacement)}}{5}-\frac{\text{Boat weight}}{5}-\frac{4\text{(Machinery weight)}}{5}$$

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (or transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances, including machinery weight.

(3) "Machinery weight" is the combined weight of installed engines or motors, full fuel system and tanks, control equipment, drive units and batteries.

§ 183.35 Maximum weight capacity: Outboard boats.

(a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth of the difference between its maximum displacement and boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances. For the purposes of this paragraph, outboard motors are not permanent appurtenances.

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

(a) The maximum weight capacity marked on a boat that is not designed or intended to have mechanical propulsion must not exceed one-fifth of the difference between the boat's maximum displacement and the boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances.

§ 183.39 Persons capacity: Inboard and inboard-outdrive boats.

The persons capacity marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must not exceed the lesser of the maximum weight capacity determined under § 183.33 for the boat or the maximum persons capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units, and batteries.

(b) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards, until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

Persons capacity$=\frac{A}{0.6}$ where A is the total of the weights added in paragraph (b) of this section.

§ 183.41 Persons capacity: Outboard boats.

The persons capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must not exceed the lesser of the maximum weight capacity determined under § 183.35 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat with all its permanent appurtenances.

(b) Add, in normal operating positions, the dry motor and control weight, battery weight, and portable tank weight, if any, shown in Table 183.67(a) for the maximum horsepower capacity marked on the boat. For permanently installed fuel tanks, add 6 pounds of weight for each gallon of fuel capacity.

(c) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(d) Compute the persons capacity in the following formula:

Persons capacity$=\frac{A}{0.6}$ where A is the total of the weights added in paragraph (c) of this section.

§ 183.43 Persons capacity: Boats without mechanical propulsion.

The persons capacity marked on a boat that is not designed or intended to have mechanical propulsion must not exceed the lesser of the maximum weight capacity determined under § 183.37 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances.

(b) Gradually add weights along one outboard extremity of each passenger carrying area at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

Persons capacity$=\frac{A}{0.6}$ where A is the total of the weights added in paragraph (b) of this section.

Subpart D—Safe Powering

§ 183.51 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats, that are designed or intended to use one or more outboard motors for propulsion.

§ 183.53 Horsepower capacity.

The maximum horsepower marked on a boat must not exceed the horsepower capacity determined as follows:

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet including spray rails if spray rails act as chines or part of the planing surface. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

(b) Locate horsepower capacity corresponding to the factor in Table 183.53.

(c) If the horsepower capacity in Table 183.53 is not an even multiple of 5, it may be raised to the next even multiple of 5.

TABLE 183.53—OUTBOARD BOAT HORSEPOWER CAPACITY

COMPUTE: FACTOR=BOAT LENGTH × TRANSOM WIDTH

If factor (nearest integer) is	0-35	36-39	40-42	43-45	46-52
Horsepower capacity is	3	5	7½	10	15

NOTE: For flat bottom hard chine boats, with factor or 52 or less, reduce one capacity increment (e.g. 5 to 3)

If factor is over 52.5 and the boat has	Remote steering and at least 20" transom height	No remote steering, or less than 20" transom	
		For flat bottom hard chine boats	For other boats
Horsepower capacity is (raise to nearest multiple of 5)	(2 × Factor) − 90	(0.5 × Factor) − 15	(0.8 × Factor) − 25

(d) For flat bottom hard chine boats with a factor of 52 or less, the horsepower capacity must be reduced by one horsepower capacity increment in Table 183.53.

Subpart E—Flotation

§ 183.61 Applicability.

This subpart applies to monohull boats the construction or assembly of which is begun after July 31, 1973, and which are less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

§ 183.63 Quantity of flotation required.

Each boat must have—

(a) At least that quantity of flotation prescribed in § 183.67; or

(b) Enough flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat; and

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume of the two largest air chambers, if air chambers are used for flotation; and

(4) For outboard motor boats, a weight that, when submerged, equals the submerged motor and control weight from Table 183.67(a).

(c) For the purpose of this section, "dead weight" means—

(1) For outboard boats and boats without mechanical propulsion, the maximum weight capacity marked on the boat minus the sum of—

(i) Motor and control weight, and battery weight (dry) from Table 183.67(a); and

(ii) The persons capacity determined under § 183.41 for the boat, and

(2) For inboard boats, the maximum weight capacity marked on the boat minus the persons capacity determined under § 183.39 for the boat.

§ 183.65 Flotation materials.

(a) The flotation required by § 183.63 must be made of materials that are—

(1) Capable of withstanding the combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use, including fuel oil, gasoline, grease, lubricating oil, common bilge solvents, and salt and fresh water;

(2) Capable of withstanding combined exposure to sunlight, vibration, shock, and temperature variations which may be expected during normal use;

(3) Installed in such a manner that the flotation is fully effective when the boat is flooded or capsized.

(b) Any air chamber used for flotation must not be an integral part of the hull.

§ 183.67 Method for determining quantity of flotation.

The minimum quantity of flotation required by § 183.63(a) must be determined by the following method:

(a) Step 1: Determine the Submerged Weight of Boat (W_s) in the formula:

$$W_s = Wh\,K_1 + Wd\,K_2 + 0.69We$$

Where:

Ws = Submerged weight of boat.
Wh = Dry weight of hull.
Wd = Dry weight of deck and superstructure.
We = Dry weight of permanent appurtenances except motor and control weight, battery weight, and portable tank weight.
K_1 and K_2 = Conversion factors for materials used from Table 183.67(b).

(b) Step 2: Determined submerged weight of engine and related equipment (G) as follows:

(1) For outboard boats, G equals the sum of the submerged motor and control weight, battery weight, and full fuel tank weight from Table 183.67(a) for maximum horsepower capacity marked on the boat in accordance with § 183.53.

(2) For inboard boats G equals 75 percent of the installed weight of engine, drive, and fuel system.

(c) Step 3: Determine dry weight of load (C) as follows:

(1) For outboard boats, C equals the maximum weight capacity as determined in § 183.35 minus the sum of dry motor and controlled weight, battery weight, and full fuel tank weight from Table 183.67(a).

(2) For inboard boats, C equals the maximum weight capacity as determined in § 183.33.

(d) Step 4: Determine Flotation required (W) in the formula:

$$W = W_s\,(\text{Step 1}) + G\,(\text{Step 2}) + 0.25\,C\,(\text{Step 3}).$$

(e) Step 5: Determine the volume of flotation material (F) needed in the formula:

$$F = \frac{\text{Flotation required } (W) + \text{Chamber volume } (V)}{\text{Buoyancy of flotation material}}$$

where: "Flotation required" is that value of W determined in Step 4; "Chamber volume" is the volume of the two largest air chambers, if air chambers are used for flotation; and "Buoyancy of flotation material" is determined by subtracting from the density of fresh water the density of the flotation material. The density of the flotation material must be determined after the material has been immersed in fresh water for one-half hour. When air chambers are used, the "Buoyancy of flotation material" is 62.4 lbs./ft.^{3}

TABLE 183.67(a)

WEIGHTS OF OUTBOARD MOTOR AND RELATED EQUIPMENT FOR VARIOUS BOAT HORSEPOWER RATINGS

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight [2]	
	Dry	Wet [1]	Dry	Wet [1]	Dry	Wet [1]
Under 4	35	20				
4.1 to 5	55	34			25	−1
5.1 to 10	70	55	20	11	50	−1
10.1 to 30	105	86	45	25	50	−1
30.1 to 50	190	138	45	25	100	−3
50.1 to 75	240	163	45	25	100	−3
75.1 to 150	305	218	45	25	100	−3
Transoms designed for twin motors:						
60.0 to 100	380	268	45	25	100	−3
100.1 to 150	480	328	45	25	100	−3
150.1 to 300	610	413	45	25	100	−3

[1] Wet in this case means submerged.
[2] If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "Full Portable Fuel Tank Weight" excluded.

TABLE 183.67(b)

FACTORS FOR CONVERTING VARIOUS BOAT MATERIALS FROM DRY TO SUBMERGED WEIGHT

Material	Sp. Gr.	Factor
Steel	7.85	0.83
Aluminum	2.73	0.63
Fiberglass	1.50	0.33
A.B.S.	1.12	0.11
Oak	0.63	−0.56
Mahogany	0.56	−0.73
Ash	0.56	−0.78
Yellow Pine	0.55	−0.81
Fir Plywood	0.55	−0.81
Mahogany Plywood	0.54	−0.83
Royalex	0.50	−0.95
Cedar	0.33	−1.65
Balsa end grain	0.16	−5.24

Effective date. This amendment shall become effective on November 1, 1972.

Dated: July 27, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

New determinations. There are set forth below general area wage determination decisions Nos. AP-114 and AP-304 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. These decisions are applicable to Federal and federally assisted construction in the described localities in the States of Oklahoma and South Carolina.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modifications issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in the District of Columbia, Florida, Illinois, Kansas, Maryland, Nebraska, Ohio, Pennsylvania, Texas, Utah, and Virginia.

Area wage determination decisions published in the FEDERAL REGISTER on the

Decision No.	*Date*
AM-1,865	Aug. 20, 1971.
AM-2,442(AP-211); AM-2,443 (AP-210); AM-3,625.	Aug. 25, 1971.
AM-2,528(AP-208)	Sept. 3, 1971.
AM-9,680(AP-410)	Feb. 25, 1972.
AM-9,682(AP-411); AM-9,683 (AP-409).	
AM-11,407; AM-11,408 (AP-305).	Mar. 3, 1972. Mar. 31, 1972.
AM-8,614	May 26, 1972.
AM-11,422	June 2, 1972.
AM-6,733(AP-209)	June 9, 1972.
AM-11,425	June 16, 1972.
AM-11,426	June 23, 1972.
AP-1(AP-6); AP-2(AP-5); AP-3(AP-7); AP-105.	July 14, 1972.

Are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modifications and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 28th day of July 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Oklahoma COUNTIES: Oklahoma, Cleveland & Canadian
DECISION NUMBER: AP-304 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction, single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$4.08					
Cement masons	5.03					
Electricians	4.65					
Laborers	2.96					
Painters, brush	4.02					
Painters, spray	5.50					
Plumbers & pipefitters	5.50					
Roofers	4.17					
Sheet metal workers	5.27					
Soft floor layers	3.50					
Tile setters	3.73					
Tile setter helpers	2.25					
Welders - Rate for craft						
POWER EQUIPMENT OPERATORS:						
Bulldozers	3.25					
Blade graders	3.50					
Backhoes	4.00					
Scrapers	3.50					
Shovels	4.00					

SUPERSEDEAS DECISION

STATE: Washington, D. C.
DECISION NO.: AP-411 DATE: Date of Publication
Supersedes Decision No. AM-9,682; dated March 3, 1972; in 37 FR 4472.
DESCRIPTION OF WORK: Building Construction(excluding single family houses & garden type apartments up to & including 4-stories); Highway Construction; Sewer & Water Lines.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.05	.25	.15		.015
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01
Bricklayers	8.60	.37	.18		
Carpenters	7.77	.25	.29		.07
Cement Masons:					
Cement Masons	7.325	.185	.20		.03
Grinding Machine	7.575	.185	.20		.03
Electricians	8.85	.35	1% + .30		.10
Elevator Constructors:					
Elevator Constructors	8.58	.195	.20	½% + a&b	.005
Elevator Constructors' Helpers	6.01	.195	.20	½% + a&b	.005
Elevator Constructors' Helpers (Prob)	4.29				
Glaziers	7.58	.46	.40		
Ironworkers:					
Structural	8.00	.45	.35		.01
Ornamental & chain link fence	8.00	.45	.35		.01
Reinforcing	7.85	.35	.25		.03
Laborers:					
Common laborers, landscapers	5.77	.25	.25		.03
Acetylene burners used on wrecking	6.27	.25	.25		.03
Air tool op., scaffold builders, pavement busters, townmasters, buggy mobiles, spaders, mortarmen and scootcrates	5.92	.25	.25		.03
Pipelayers	5.92	.25	.25		.03
Plasterers' tenders	6.07	.32	.20		.03
Plumbers' laborers	5.42	.30	.15		.03
Powdermen	6.365	.25	.25		.03
Powersaw, well points	5.44	.25	.25		.03
Stone carvers	6.355	.175	.20		
Stone trimmers, fitters & cutters	6.30	.175	.20		
Lathers	7.225	.30	.30		.025
Lead Burners	7.80	.30			.01
Line Construction:					
Linemen, cable splicers, equipment ops.	9.36	.20	1%		¼ of 1%
Truck with winch, truck pole or steel handling	6.94	.20	1%		¼ of 1%
Groundmen (0 to 1 year)	5.52	.20	1%		¼ of 1%
Groundmen (1 to 2 years)	6.43	.20	1%		¼ of 1%
Groundmen (over 2 years)	6.68	.20	1%		¼ of 1%
Marble Setters	8.20	.15	.25		
Marble Setters' Helpers	7.10				
Millwrights	7.89	.25	.29		.07
Painters:					
Brush, spray, paperhangers, tapers	7.05	.41	.15		.03
Steel, sandblasting, swing stage, power brushing	7.38	.41	.15		.03
Pildriverman	7.905	.25	.29		.07
Plasterers	7.215	.30	.25		.06

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BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers	$8.76	.30	.10			
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.03	.545	.545		.04	
Soft floor layers	7.44	.20	.24		.07	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.86	.30				
Stone masons	8.20	.15	.25			
Terrazzo & mosaic workers	7.85	e	.20			
Terrazzo workers' helpers	6.85	e	.20			
Tile setters	7.85	e	.20			
Tile setters' helpers	6.85	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, Euclid water sprinkler, tunnel work underground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION, continued 1-DC-1-2-M 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

d. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

2-D.C.-PEO-1-2-K

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.285	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.035	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	7.985	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.885	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.035	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.885	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.635	.35	.35		.10	
Air compressors (on steel)	7.705	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.455	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.625	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.435	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.235	.35	.35		.10	
Apprentice engineers:						
Firemen	6.575	.35	.35		.10	
Truck crane oilers	6.455	.35	.35		.10	
Oilers	6.405	.35	.35		.10	

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SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	C
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$ 4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.76	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.045	.25	.25		.03	
Chuck tender, powderman in prime house, form setters and movers, nippers, cablemen, housemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.345	.25	.25		.03	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers, diamond drill, riggers, cement finishers underground, welders and burners, shield driver	6.995	.25	.25		.03	
Mucking machine operator	7.245	.25	.25		.03	

COMPRESSED AIR:

Guage Pressure Pounds	Work Period Minutes	DAILY RATE				
From 1 to 14	360	61.56	a	b		
" 14 to 22	360	64.76	a	b		
" 22 to 32	268	67.96	a	b		
" 32 to 38	240	71.16	a	b		
" 38 to 44	240	73.86	a	b		

FOOTNOTES:

a. Employer contributes $2.00 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

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SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Bricklayers	$8.60	.37	.18		
Carpenters	7.77	.25	.29		.07
Cement masons	7.325	.185	.20		.03
Ironworkers, reinforcing	7.85	.35	.25		.03
Piledrivermen	7.905	.25	.29		.07
Plumbers	8.76	.30	.10		
Power Equipment Operators:					
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines of 1 c.y. or above	6.54	.25	.25		.05
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y. and boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plant, concrete pumps	6.29	.25	.25		.05
Trenching machines (above 8'3")	6.09	.25	.25		.05
Backhoes (hydraulic, under ½ c.y.)	6.17	.25	.25		.05
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	5.99	.25	.25		.05
Air Compressors, tunnel	5.96	.25	.25		.05
Front end loaders (high lift)	5.94	.25	.25		.05
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men	5.84	.25	.25		.05
Mechanics	5.82	.25	.25		.05
Bulldozers, hydraulic tampers	5.74	.25	.25		.05
Roller	5.64	.25	.25		.05
Air compressors, pumps welding machines, well points	5.565	.25	.25		.05
Apprentice Engineers:					
Firemen	5.10	.25	.25		.05
Truck crane oilers	4.95	.25	.25		.05
Oilers	4.90	.25	.25		.05
Truck drivers:					
Dump trucks	2.75	.12	c		
Dump trucks over 8 wheels	2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		

S-D.C.-3-L

HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pension	Vacation	App.Tr.	Other
Asphalt shoveler	$4.15	.22	.15			
Asphalt raker	4.35	.22	.15			
Asphalt tamper	4.25	.22	.15			
Bricklayers	8.60	.37	.18			
Carpenters	7.77	.25	.29		.07	
Cement masons	4.60	.22	.15			
Concrete saw operator	4.35	.22	.15			
Concrete shoveler	4.25	.22	.15			
Form setter	4.60	.22	.15			
Laborers:						
Laborers	4.10	.22	.15			
Jackhammer	4.30	.22	.15			
Hand burner operator	4.25	.22	.15			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	4.35	.22	.15			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanical welder, rubber tired loader (over 1-½ cu. yds.)	4.55	.22	.15			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less); asphalt plant engineer, asphalt roller op., concrete breaker (machine)	4.60	.22	.15			
Crane operator, concrete paving op.	4.75	.22	.15			
Shovel operator	4.85	.22	.15			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	5.50	.22	.15			
G-1000 Gradall operator (over 1-½ cu.yds.)	5.75	.22	.15			
Power broom, oiler	4.25	.22	.15			
Sand setter	4.60	.22	.15			
Truck Drivers:						
Truck drivers (standard)	4.10	.22	.15			
Tandem	4.22	.22	.15			
Tractor trailer (capable of moving heavy equipment)	4.60	.22	.15			

NEW DECISION

STATE: South Carolina COUNTY: Charleston and Berkeley
DECISION NUMBER: AP-114 DATE: See Date of Publication
DESCRIPTION OF WORK: Residential Construction, single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanic	$3.905					
Bricklayers	4.72					
Carpenters	3.68					
Cement masons	3.50					
Electricians	4.62					
Laborers:						
Laborers	2.00					
Pipelayers	3.00					
Painters, brush	2.50					
Plumbers	5.00					
Roofers	2.92					
Sheet metal workers	4.00					
Soft floor layers	3.50					
Tile setters	3.50					
Truck drivers	2.00					
Welders - Rate for craft						
Power Equipment Operators:						
Asphalt raker	2.00					
Backhoe	3.75					
Bulldozers	3.00					
Distributors	2.00					
Finishing machines	2.35					
Front End loaders	2.76					
Pan operator	2.95					
Rollers	2.00					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-105 - Mod. #1 (37 FR 13939 - July 14, 1972) Escambria, Okaloosa, Santa Rosa and Walton Counties, Florida						
Changes:						
Building Construction						
Painters: Commercial						
Brush	$3.90					
Painters: Industrial						
Brush, roller, paperhangers, swing stage, sandblaster, spray	4.25					
Add:						
Building Construction						
Painters: Commercial						
Roller, Paperhangers	3.90					
Spray	4.25					
DECISION #AM-3,625 - Mod. #6 (37 FR 16859 - August 25, 1971) Sedgwick County, Kansas						
Changes:						
Building Construction:						
Bricklayers	$7.18	.45	.25	.25	.02	
DECISION #AM-8,614 - Mod. #1 (37 FR 10697 - May 26, 1972) Hamilton County, Ohio						
Changes:						
Plumbers	$8.905	.38	.50		.03	
DECISION #AM-1,865 - Mod. #5 (36 FR 16333 - August 20, 1971) 5 Eastern Counties, Pennsylvania						
Changes:						
Carpenters	$9.02	1.08	.40	x	.07	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,407 - Mod. #4 (37 FR 6615 - March 31, 1972) Bexar County, Texas						
Changes:						
Building Construction:						
Asbestos workers	$7.26	.29	.20		.03	
Bricklayers	6.92	.25	.20		.05	
Carpenters	6.17	.28	.30		.02	
Cement masons:						
Cement masons	6.52	.25				
Machine operators	6.77	.25				
Laborers:						
Common laborers	3.87	.25	.10		.02	
Air tool operator (jackhammer, vib.)	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	
Millwrights	6.47	.28	.30		.02	
Stonemasons	6.92	.25	.20		.05	
Power Equipment Operators:						
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 tons); Truck crane drivers	5.06	.30	.20			

MODIFICATIONS P. 3

AM-11,407 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
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); Derricks (power operated, all types); Draglines; DW-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; Pumperete 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			
Fireman	4.96	.30	.20			
Oiler	4.78	.30	.20			
Omit:						
Building Construction:						
Roofers:						
Helpers	1.75				.01	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,422 - Mod. #4 (37 FR 11145 - June 2, 1972) Travis County, Texas						
Change:						
Building Construction:						
Asbestos workers	$7.26	.29	.20		.03	
Painters:						
Painters, brush	5.50					
Taping & floating of sheetrock	5.50					
Paperhangers	5.75					
Spray	6.00					
Steamcleaning, sand blast & other powered equipment	6.00					
Chipper, burner, torch	5.75					
Skeleton steelwork erected	5.75					
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) 25¢ per hour above all base rates						
DECISION #AM-11,425 - Mod. #4 (37 FR 12014 - June 16, 1972) Nueces County, Texas						
Change:						
Building Construction:						
Bricklayers	$6.15	.15			.02	
Cement masons	5.75	.15				
Ironworkers:						
Structural; Ornamental	5.325	.25	.30		.025	
Reinforcing	5.20	.25	.30		.025	
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	
DECISION #AM-11,426 - Mod. #3 (37 FR 12437 - June 23, 1972) El Paso, Culberson & Hudspeth Counties, Texas						
Change:						
Building Construction:						
Electricians:						
Electricians	6.70	.25	1%		1/2%	
Cable splicers	6.95	.25	1%		1/2%	

SUPERSEDEAS DECISION

AP-208 P. 2

STATE: Hawaii
COUNTIES: Statewide
DECISION NO.: AP-208
DATE: Date of Publication
Supersedes Decision No. AM-2528 dated September 3, 1971 in 36 FR 17771.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 6.20	.23	.50		.02	
BOILERMAKERS; Blacksmith	7.00	.18	.30		.03	
BOILERMAKERS' HELPERS; Blacksmiths' Helpers	5.60	.18	.30		.03	
BRICKLAYERS	6.16	.17	.30		.02	
CARPENTERS:						
Carpenters; Piledrivermen	6.43	.25	.35		.02	
Millwrights	6.58	.25	.35		.02	
CEMENT MASONS:						
Cement Masons	5.69	.17	.30		.02	
Trowel Machine Operators	5.79	.17	.30		.02	
DRYWALL INSTALLERS	6.53	.25	.35		.07	
ELECTRICIANS:						
Line Equipment Operator	6.37	.25	.90	7.2%	.08	
Electricians; Linemen	6.81	.25	.90	7.2%	.08	
Cable Splicers	7.49	.25	.90	7.2%	.08	
ELEVATOR CONSTRUCTORS	6.90	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.10				.04	
IRONWORKERS:						
Ornamental; Structural; Bridge	7.00		.45		.02	
Reinforcing	7.00		.45			
LATHERS (metal, wire and wood)	6.65	.24	.50		.01	
MARBLE SETTERS; Stonemasons	6.16	.17	.30		.02	
PAINTERS:						
Brush	5.95	.30	.25		.04	
Spray	6.30	.30	.25		.04	
Taper	6.15	.30	.25		.04	
PLASTERERS:						
Plasterers	6.55	.35	.30		.15	
Mortar Mixers	4.95	.23	.30		.02	
Hod Carriers	4.75	.23	.30		.02	
PLUMBERS; Steamfitters	7.30	.29	.90	8%	.05	
SHEET METAL WORKERS	7.40	.35	.90	8.11%	.10	
SOFT FLOOR LAYERS	6.00	.20		.10	.04	
SPRINKLER FITTERS	7.95	.25	.40	-	.05	
TERRAZZO WORKERS:						
Terrazzo Workers	5.95	.15	.30			
Terrazzo Base Grinder	5.65	.15	.30			
Floor machine grinder & helper	4.85	.15	.30			
TERRAZZO WORKERS' HELPERS:						
1st 60 calendar days' experience	4.60	.15	.30			
TILE SETTERS (CERAMIC)	$ 5.95	.15	.30			
TILE SETTERS' HELPERS (CERAMIC):						
1st 60 calendar days' experience	4.60	.15	.30			
Over 60 but less than 90 calendar days' experience	4.70	.15	.30			
After 90 calendar days' experience	4.85	.15	.30			
TRUCK DRIVERS:						
Flatbed	5.10	.37	.525	.20	.10	
Dump, 8 yds. & under; Water truck (up to & incl. 1500 gals.)	5.36	.37	.525	.20	.10	
Water truck (over 1500 gals.)	5.51	.37	.525	.20	.10	
Tandem, semi-trailer, or semi-dump	5.97	.37	.525	.20	.10	
Slip-in or Rock cans	6.27	.37	.525	.20	.10	
End dumps, unlicensed (Euclid, Mack, Caterpillar, or similar); Tractor trailer (hauling equipment)	6.19	.37	.525	.20	.10	
WELDERS; Receive rate prescribed for craft performing operations to which welding is incidental.						

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service in Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Asphalt ironers & rakers; Barko and similar type tampers; Buggymobile; Chainsaw, faller, logloader & bucker; Concrete & magnesite mixer under 1/2 yd.; Concrete grinder; Concrete pan work; Concrete saw (walking or hand type); Cribbers; Cut granite curb setter; Form raisers; Header board; Mortar mixers (block-brick-masonry); Jackhammer op.; Jackson & similar type compactors; Lagging, sheeting, whaling bracing, trench-jacking, hand-guided lagging hammer; Magnesite & mastic workers (wet or dry); Mechanical drillers not covered elsewhere; Pavement breakers; Pipelayers, caulkers, bander; Pipe-wrappers, kettlemen, potmen & men applying asphalt, Lay-Kold, creosote & similar type materials; Post hole diggers (hand held--gas, air & electric); Riprap, stonepaver & rock-slinger, incl. placing of sacked concrete (wet or dry); Rotary scarifier; Rototiller; Sandblasters; Tank cleaners; Tree climbers; Vibra-screed (bull float in connection with laborers' work); Vibrator; Burning, welding, signaling; & rigging in connection with laborers' work; Concrete pump machine; Joy drill Model TWM-2A, Gardner Denver DH-143, & similar type drills (Track Drillers, Diamond Core, & Wagon Drillers; & Davis Trencher T-66 or similar	5.56	.25	.35		.02	
GROUP II Asphalt shovelers; Cement Dumpers; Choke setter & rigger (clearing work); Concrete chipping; Concrete laborers (wet or dry) incl. bucket tender for concrete; Driller's helper, chuck tender, outside nipper; Guinea chaser (stakeman); High pressure nozzleman-hydraulic monitor (over 100# pressure) excl. levee work; Loading & unloading, carrying & handling of all rods & materials for use in reinforcing concrete construction; Mucker (underground) Sloper; All Pneumatic, gas & electric tools not listed in Group I	5.36	.25	.35		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III All clean-up work of debris, grounds & buildings; Bridge laborers; Construction laborers; Dumpman; Gardeners; horticultural & landscape laborers; General Laborers; Limbers, brush loaders & pilers; Maintenance, repair (track and roadbeds)	5.26	.25	.35		.02	
MINERS' HELPERS	5.61	.25	.35		.02	
MASON TENDERS, more than 60 days' service	5.39	.25	.35		.02	
HIGH SCALER	5.37	.25	.35		.02	
GUNNITE OPERATOR	5.42	.25	.35		.02	
MINERS	5.52	.25	.35		.02	
POWDERMAN	5.62	.25	.35		.02	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Partsman (heavy duty repair shop parts room when needed); Repairman helper	4.84	.37	.525	.20	.10	
GROUP II Compressor, electrically, diesel or gas powered etc.; Hydraulic monitor; Material loader &/or conveyor op. (handling building material); Mixer box op. (concrete plant); Pump op.; Spreader boxman (with screeds); Tar pot fireman (power agitated); Rodman or Chainman	4.95	.37	.525	.20	.10	
GROUP III Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar pot fireman; Box op. (Bunker); Locomotive (up to & incl. 30 tons); Roller (5 tons & under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports & canals); Tugger hoist, single drum	5.10	.37	.525	.20	.10	
GROUP IV Boom truck or dual purpose "A" Frame Truck; Fork lift or lumber stacker (construction job site); Material hoist (1 drum); Straddle truck; Ross carrier & similar (jobsite); Dinky op.	5.36	.37	.525	.20	.10	
GROUP V Concrete mixer (up to 2 yds.); Concrete pumps or pumpcrete guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication & service engineer (mobile and Grease rack); Towermobile; Welding machine (gasoline or diesel); Agri-Cat (Mini Cat); Slip form pumps (power-driven by hydraulic, electric, air, gas, etc.; Lifting device for concrete forms)	5.65	.37	.525	.20	.10	
GROUP VI Combination loader & backhoe incl. Hop-to (up to & incl. 1/2 yd.) Concrete Batch plants (wet or dry); Concrete saws &/or grinder (self-propelled unit on streets, Highways, airports & canals); Drilling machinery (not to						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (CONT'D) apply to waterliners, wagon drills or jackhammers); Highline cable-way signalman; Loader (up to & incl. 2-1/2 cu. yds.); Lull high lift; Crushers plant engineer; Grade setter (mechanical or otherwise); Pavement breaker; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, & warehouses); Mechanical finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile crane driver; Portable crushers; Power Jumbo op. (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled compactor (single engine); Small rubber-tired tractors; Trencher (up to & incl. 6')	5.97	.37	.525	.20	.10	
GROUP VII Dual drum mixer; Instrument man; Hoist (2 drums); Kolman loader; Loader (over 2-1/2 cu. yds. up to & incl. 5 cu. yds.); Mechanical finishers or spreader machine asphalt (Barber Greene & similar) (Screedman required); Mine or shaft hoist; Pavement breaker, truck mounted, with compressor combination; Pavement breaker with compressor combination (operates 1 or 2); Pipe cleaning machine (Tractor propelled & supported); Pipe wrapping machine (tractor propelled & supported); Pipe bending machine (pipe lines only); Self-propelled elevating grade plane; Slusher operator; Trencher (over 6'); Water tanker (pulled by Euclids, T-pulls, DW-10, 20, 21 or similar); Mixermobile (over 5 tons); Small tractor (with boom D-6 or similar)	6.27	.37	.525	.20	.10	
GROUP VIII Boring machine; Cast-in-place pipe laying machine; Concrete batch plant (multiple units); Combination loader & hydraulic backhoe (over 1/2 yd. to & incl. 3/4 yd.); Conveyor (tunnel); Engineer, locomotive (over 30 tons up to & incl. 100 tons); finishing ma-						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VIII (CONT'D)						
chine operator (airports & highways); Hydraulic backhoe (over 1/2 yd. to & incl. 3/4 yd.); Mechanical trench shield; Mucking machine; No-joint pipe laying machine; Portable crushing & screening plants; Saurman type dragline (under 5 yds.); Self-propelled boom type lifting device; Stationary pipe wrapping cleaning & bending machine; Surface heater & planer; Tunnel badger; Tri-batch paver	6.37	.37	.525	.20	.10	
GROUP IX						
Boom type backfilling machine; Combination mixer & compressor (gunnite); Domar loader & Adams Elegrader; Lull Hilift (40' or over); Rubber tired earthmoving equipment (up to 12 cu. yds.); Wheel trencher (over 6')	6.48	.37	.525	.20	.10	
GROUP IX A						
Dozer; Heavy duty repairman or welder; Push cats; Scrapers; Self-propelled compactor with dozer; Sheep foot; Tractors; Tractors (with boom, larger than D-6, & similar)	6.64	.37	.525	.20	.10	
GROUP X						
Chicago boom; Hoist (3 drums); Koehring skooper; Loader (over 5 yds. up to & incl. 12 yds.); Locomotive (over 100 tons) (Single or multiple units); Power blade op.; Rubber tired earthmoving equipment (up to & incl. 35 cu. yds. Euclids, T-Pulls, DW-10, 20, 21 & similar); Saurman type dragline (5 yds. or over); Soil stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type earthmoving machine (single engine with tandem scraper); Tractor, compressor, Drill combination; Tractor (Tandem scraper); Tractors (D-9 or equivalent)	6.75	.37	.525	.20	.10	
GROUP X A						
Cranes (not over 25 tons); Power shovels, clamshells, draglines, gradealls (up to & incl. 1 cu. yd.)	6.89	.37	.525	.20	.10	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI						
Automatic slip form paver (concrete or asphalt) (Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 35 cu. yds. struck "MRC); Highline cableway; Lift slab machine; Loader (over 12 yds.); Power shovels, clamshells, draglines, backhoes, Gradealls (over 1 yd. & up to 7 yds.) Power blade op. (16 or over); Prestress wire wrapping machine; Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earthmoving machine (with tandem scraper); Tandem cats; Tower cranes, mobile; Trencher (pulling attached shield); Wheel excavator (up to & incl. 750 cu. yds.)	7.02	.37	.525	.20	.10	
GROUP XII						
Band wagon (in conjunction with wheel excavator); Derricks; Drill rigs; Multi-propulsion earthmoving machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power shovels & draglines (7 cu. yds. MRC & over); Rubber tired earthmoving equipment (over 35 cu. yds. Euclids, T-Pulls, DW-10, 20, 21 & similar); Wheel excavator (over 750 cu. yds.)	7.37	.37	.525	.20	.10	

DREDGING WATER FRONT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hydraulic Suction Dredges:						
Leveeman	5.01	.37	.65	.20	.10	
Deckhand (Can Operate Anchor Scow Under Direction of Deckmate); Oiler	5.10	.37	.65	.20	.10	
Fireman	5.31	.37	.65	.20	.10	
Winchman (Stern Winch on Dredge)	6.10	.37	.65	.20	.10	
Deckmate	6.29	.37	.65	.20	.10	
Welder	6.70	.37	.65	.20	.10	
Assistant to Engineer (Steam or Electric)	6.74	.37	.65	.20	.10	
Leverman	7.08	.37	.65	.20	.10	
Clam Shell Dredges:						
Bargeman	5.01	.37	.65	.20	.10	
Oiler	5.10	.37	.65	.20	.10	
Deckhand	5.12	.37	.65	.20	.10	
Fireman	5.31	.37	.65	.20	.10	
Barge Mate (Seagoing); Deckmate	6.29	.37	.65	.20	.10	
Watch Engineer	6.74	.37	.65	.20	.10	
Leverman	7.08	.37	.65	.20	.10	
Boat Operators:						
Boat Deckhand	5.10	.37	.65	.20	.10	
Boat Operator	6.60	.37	.65	.20	.10	
Master Boat Operator	6.80	.37	.65	.20	.10	

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Madison
DECISION NO.: AP- 5 DATE: Date of Publication
Supersedes Decision No. AP-2 dated July 14, 1972, in 37 FR 15175.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.53	.20	.17			
Boilermakers	8.40	.40	.80		.01	
Boilermakers' helpers	8.15	.40	.80		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	6.85	.30	.50	1.00		
Alton, Wood River & Vicinity	9.00	.30	.50			
Edwardsville, Marine, Highland & Troy	7.44	.40		10%		
Carpenters (Building, Heavy & highway)	8.885	.35	.30			
Cement masons:						
Building Construction	8.525	.25	.25			
Heavy & highway construction	8.375	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.96	.20	1%		.2%	
Remainder of County	8.11	3½%	1% + .25	.49	.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	.30	.30			
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' & brickmasons tenders	7.75	.25	.35		.035	
Dynamite & powdermen	8.775	.25	.35		.035	
Dynamite & powdermen helpers	7.775	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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	7.19	.17	.45			
Millwrights	8.885	.35	.30			
Pileldrivermen	8.885	.35	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	9.31	6%	6%			
Southern half of County	7.50	.20	5%	5%		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.95	.15	.15	6%	.01	
Soft floor layers	8.885	.35	.30			
Sprinkler fitters	8.00	.25	.40		.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		a		
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.

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Illinois - 31 - H - Laborers-3-K 1 of 2

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Alton:						
Laborers	$7.35	.20	.30		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.45	.20	.30		.035	
Tending to brick masons	7.85	.20	.30		.035	
Dynamite men	8.875	.20	.30		.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 culvert	7.60	.20	.30		.035	
Collinsville and Glen Carbon:						
Laborers	7.65		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.85		.20		.035	
Tending to brick masons	8.25		.20		.035	
Dynamite men	9.275		.20		.035	
Men working on the bottom of sewer trenches on the final graking, 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	8.00		.20		.035	
Granite City						
Laborers	7.25	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.35	.25	.35		.035	
Tending to brick masons	7.75	.25	.35		.035	
Dynamite men	8.775	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts	7.50	.25	.35		.035	

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Illinois - 31 - H - Laborers - 3 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Edwardsville						
Laborers	$7.85				.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.95				.035	
Tending to brick masons	8.35				.035	
Dynamite men	9.375				.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	8.10				.035	
Wood River						
Laborers	7.35	.20	.30		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.45	.20	.30		.035	
Dynamite men	8.875	.20	.30		.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)	7.60	.20	.30		.035	
Tending to brick masons	7.85	.20	.30		.035	
Highland, Livingston, Marine, St. Jacob, and Troy:						
Laborers	7.65		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.75		.20		.035	
Weighman on asphalt platform	7.725		.20		.035	
Tending to brick masons	8.15		.20		.035	
Dynamite men	9.175		.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	7.90		.20		.035	

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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/s 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	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Residential & 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			

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Illinois 2-PEO-1-2 H 1 of 2

BUILDING & HEAVY CONSTRUCTION:

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
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 wa ys or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic B ackhoe, 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 ca ts, 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)						

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POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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			

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POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSION	VACATION	APP. TR.	OTHER
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or back-fillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or firemen is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) hoists - 2 drums or more (where oiler or firemen is not required , cherry pickers, overhead cranes, roller, steam or gas, concrete pavers, ex-cavators, concrete breakers, con-crete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, endloaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drill-ing machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compres-sors (two), water pumps regardless of size(two), welding machines (two,) siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines , power sub-grader or ribbon machine	8.10	.30	.85			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSION	VACATION	APP. TR.	OTHER
Longitudinal floats, boat oprs., (under 25ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one) winch heads or apparatuses (one), lights plants (one)	$8.10	.30	.85			
Air compressors (one), water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
TRUCK DRIVERS: (BLDG., HEAVY & HWY.)						
Drivers on 4-wheel trucks, dumpcrotes, 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				
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	*			
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						

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	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	*			
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	*			

FOOTNOTES:

*. Employer contributes $9.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Saint Clair

DECISION NO.: AP- 6 DATE: Date of Publication

Supersedes Decision No. AP-1 dated July 14, 1972, in 37 FR 13942.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.53	.20	.17			
Boilermakers	8.40	.40	.80		.01	
Boilermakers' helpers	8.15	.40	.80		.01	
Bricklayers & Stonemasons:						
(Belleville, O'Fallon, Shiloh, Lebannon Mascoutah, Scott AFB, Freeburg & Area Approx. 5 mi. SE of Belleville)	6.30		.30	.60		
(E. St. Louis & Vicinity)	7.44	.40		10%		
Carpenters (Building, Heavy & Highway)	8.385	.25	.25			
Cement Masons:						
Building Construction	8.525	.25	.25			
Heavy & Highway Construction	8.375	.25	.25			
Electricians	8.11	3½%	1%+.25	.49	.25%	
Elevator Constructors	5.56	.105	.125	½%+a&b	.005	
Elevator Constructors' helpers	70%JR	.105	.125	½%+a&b	.005	
Elevator Constructors' helpers (Prob.)	50%JR					
Glaziers	7.46	c	.40	8%+d	.01	
Ironworkers, structural & ornamental	8.30	.30	.30			
Ironworkers, reinforcing	8.50	.30	.30			
Laborers (Building & Heavy Construction):						
Vicinity of E. St. Louis, Washington Park, Brooklyn, Fairmont City, French Village, Dupo, Pearl Harbor, Alcoa, Alorton, Caseyville, Midway, Maplewood, Canokia, National City, North Dupo, Canteen, & Centerville)						
Laborers, Common	7.25	.25	.35		.035	
Asphalt rakers, creosote workers	7.50	.25	.35		.035	
Bottom men on sewer work	7.50	.25	.35		.035	
Mastic cookers	7.50	.25	.35		.035	
Dynamite men	8.775	.25	.35		.035	
Hod carriers (Plastering)	7.75	.25	.35		.035	
Hod carriers (masonry)	7.95	.20	.20			
Work in Cess Pools, Dry Wells or Septic tanks	[illegible]	.25	.35		.035	
Motor buggy operator	7.50	.25	.35		.035	
(Vicinity of Belleville) (Building & Heavy Construction)						
Laborers	7.65		.20		.035	
Men putting out & taking in lights or tend fires & salamanders for drying	7.65	.20			.035	
All work performed in Septic Tanks Cess pools or dry walls; all feeders, mixers or nozzlemen on gunnite or sandblasting work; raking or luting asphalt; handling creosoted materials; burning or cutting with a torch; all types or cased wells; cooking & mixing & applying of mastic; men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional sewer pipe	$7.90		.20		.035	
(Vicinity of Belleville) (Building & Heavy Construction)						
Hod carriers	8.15		.20			
Plasterers' tenders	8.15		.20			
Dynamite men & powder men	9.15		.20		.035	
(Vicinity of O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon) Bldg. & Hvy.						
Laborers, unskilled, semi-skilled	7.65		.20		.035	
Working on bottom doing caulking, laying or final grading on sewer pipe	7.90		.20		.035	
Burning or cutting torches	7.90		.20		.035	
Cooking & handling creosoted material	7.90		.20		.035	
Chain saws	7.90		.20		.035	
High work 25 feet or more.	7.90		.20		.035	
Dynamite men	8.50		.20		.035	
Brickmason tenders	8.15		.20		.035	
Mortar mixers	8.15		.20		.035	
Plasterers' tenders	8.15		.20		.035	
(Freeburg & Vicinity) Building & Heavy Construction						
Laborers	7.50		.20		.035	
All sewer work	7.75		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	
Mason tenders	8.00		.20		.035	
Plasterers' tender	8.00		.20		.035	
Dynamite men	9.10		.20		.035	
(New Athens & Vicinity) - Building Construction						
Laborers	7.00		.20			
Asphalt rakers	7.15		.20		.035	
Plumber helpers, workmen while cutting & burning with a torch & men working on the bottom of sewer trenches on the final grading laying or caulking or performed sectional sewer pipe	7.25		.20		.035	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Masons & plaster tender	$7.40		.20		.035	
Dynamite men	8.55		.20		.035	
Line Construction:						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operators	6.92	3½%	1%		.25%	
Groundmen truck drivers: with winch	5.63	3½%	1%		.25%	
Groundmen truck drivers: without winch	5.63	3½%	1%		.25%	
Pick-ups or jeeps	5.25	3½%	1%		.25%	
Groundmen	4.21	3½%	1%		.25%	
Marble setters	.19	.17	.45			
Millwrights	8.385	.25	.25			
Lathers	5.175	.15		.45		
Lead burners	6.90	.30		f	.01	
Piledrivermen	8.385	.25	.25			
Plasterers	8.775				.01	
Plumbers & Steamfitters: (East St. Louis & Vicinity)	7.50	.20	5%	5%		
Plumbers & Steamfitters: (Belleville & Vicinity & Scott AFB)	8.65		.30			
Roofers:						
Composition	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Slate and tile	6.45	.27	.30	.40	.03	
Sheet metal workers	7.95	.15	.15	6%	.01	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	5.65					
Terrazzo workers' helpers & floor machine operator	4.60					
Terrazzo base machine operator	4.90					
Tile setters	5.91	.175	.45			
Soft floor layers	8.385	.25	.25			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six (6) paid holidays: A through F.

c. Employer contributes $45.67 per month per employee.

d. Ten (10) paid holidays: A through F plus Washington's Birthday; Columbus Day; Veterans's Day; & Friday after Thanksgiving Day.

e. Includes employer's contribute to pension fund.

f. Eight (8) 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 days immediately preceding and following the holiday.

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ILLINOIS -31 SC - Laborers-3- K

LABORERS - HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
BELLEVILLE; O'FALLON						
Laborers	$7.65		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.85		.20		.035	
Tending to brick masons	8.25		.20		.035	
Dynamite men	9.275		.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	8.00		.20		.035	
EAST ST. LOUIS						
Laborers	7.25	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.35	.25	.35		.035	
Tending to all brick masons	7.75	.25	.35		.035	
Dynamite men	8.775	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.50	.25	5		.035	
FREEBURG, LENZBURG, MARISSA, MASCOUTAH & NEW ATHENS						
Laborers	7.65		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.75		.20		.035	
Weighman on asphalt platform	7.725		.20		.035	
Tending to all brick masons	8.15		.20		.035	
Dynamite men	9.175		.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	7.90		.20		.035	

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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/a 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	

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Illinois-S2-PAINTERS-1 B

PAINTERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Residential & 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			

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Illinois 2-PEO-1-2 H 1 of 2

BUILDING & HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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)						

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Ill.-2-PEO-1-2 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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			

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Illinois-7-PEO-3 G 1 of 2

HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or back-fillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or firemen is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) hoists - 2 drums or more (where oiler or firemen is not required, cherry pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 tf. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size(two), welding machines (two,) siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine	8.10	.30	.85			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Longitudinal floats, boat oprs., (under 25ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one) winch heads or apparatuses (one), lights plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Fireman and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.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.	OTHERS
TRUCK DRIVERS: Building, Hvy. & Hwy.)						
Drivers on 4-wheel trucks, dump-cretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34-E 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., & drivers on pilot trucks	$6.45	.30	*			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, tournapulls, hug-bottom dumps, tournatrailers, tourna-rockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 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 and including 4 - 34-E batches	6.65	.30	*			
Drivers on heavy equipment over 9 cu. yds. or 13-1/2 tons and/or up to and including 16 cu. yds. or 24 tons, 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, mixer trucks over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34-E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.85	.30	*			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. 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, one man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more; no weight limitation, diesel and/or heavy equipment mechanics	$7.05	.30	a			

FOOTNOTE:

a. Employer contributes $9.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: Illinois.

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington

DECISION NO.: AP- 7

DATE: Date of Publication

Supersedes Decision No. AP-3 dated July 14, 1972, in 37 FR 13956.

DESCRIPTION OF WORK: Highway Construction.

ILLINOIS Hwy. District 8 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters & Piledriverment:						
Bond, Calhoun, Green, Jersey, and Madison Counties	$8.885	.35	.30			
Clinton, Monroe, St. Clair and Washington Counties	8.385	.25	.25			
Macoupin and Montgomery Counties	7.90	.25				
Cement Masons:						
All of Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton Co., East to but not including Carlyle; the southern part of Bond Co., north to & incl. Smithboro; Madison Co., except for the southwestern tip of Greene Co.	8.375	.25	.25			
Greene, Macoupin & Montgomery Cos.: The Eastern ½ of Clinton Co., incl. Carlyle; the Northern part of Bond County, but not including Smithboro and the Northeastern section of Madison County	8.875					
Ironworkers:						
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair and Washington Cos., Summerville and South thereof in Macoupin Co., and Litchfield, Hillsboro and South thereof in Montgomery Co.	8.50	.30	.30			
Greene County, Macoupin County North of Summerville and Montgomery Co., North of Litchfield and Hillsboro	8.02	.30	.50		.05	

ZONE I	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Area 1						
Madison County: Alton						
Laborers	$7.35	.20	.30		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh man on asphalt platform	7.45	.20	.30		.035	
Tending to brick masons	7.85	.20	.30		.035	
Dynamite men	8.875	.20	.30		.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 culvert	7.60	.20	.30		.035	
Area 2						
St. Clair County: Belleville, O'Fallon						
Madison County: Collinsville, & Glen Carbon						
Laborers	7.65		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh-man on asphalt platform	7.85		.20		.035	
Tending to brick masons	8.25		.20		.035	
Dynamite men	9.275		.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	8.00		.20		.035	
Area 3						
St. Clair County: E. St. Louis						
Madison County: Granite City						
Laborers	7.25	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh-man on asphalt platform	7.35	.25	.35		.035	
Tending to brick masons	7.75	.25	.35		.035	
Dynamite men	8.775	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Area 3 (Cont'd)						
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culverts	$7.50	.25	.35		.035	
Area 4						
Madison County: Edwardsville						
Laborers	7.85				.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.95				.035	
Tending to brick masons	8.35				.035	
Dynamite men	9.375				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary of storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	8.10				.035	
Area 5						
Madison County: Wood River						
Laborers	7.35	.20	.30		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.45	.20	.30		.035	
Tending to brick masons	7.85	.20	.30		.035	
Dynamite men	8.875	.20	.30		.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)	7.60	.20	.30		.035	

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ZONE II	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Area 1						
Washington County: Ashley, Nasville, Okawville						
Macoupin County: Gillespie, Mt. Olive, Shipman & Staunton						
St. Clair: Freeburg, Lenzburg, Marissa, Mascoutah & New Athens						
Madison County: Highland, Livingston, Marine, St. Jacob & Troy						
Clinton County: Carlyle & New Baden						
Randolph County: Chester & Sparta						
Bond County: Greenville, Pocahontas, & Sorento						
Calhoun County: Hardin						
Mongomery County: Hillsboro & Litchfield						
Green County: Roodhouse						
Laborers	$7.15		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.75		.20		.035	
Weighman on asphalt platform	7.725		.20		.035	
Tending to brick masons	8.15		.20		.035	
Dynamite men	9.175		.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	7.90		.20		.035	
Area 2						
Macoupin County: Carlinville, Girard Palmyra						
Clinton County: Trenton						
Monroe County: Columbia						
Jersey County: Jerseyville						
Laborers	7.85				.035	
Asphalt raker, applying, cooking, & heating of all mastics	7.95				.035	
Weighman on asphalt platform	7.925				.035	
Tending to brick masons	8.35				.035	
Dynamite men	9.375				.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Area 2 (Cont'd)					
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	$8.10				.035

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more. (where oiler or firemen is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) hoists - 2 drums or more (where oiler or firemen is not required , cherry pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, endloaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size(two), welding machines (two,) siphons or jets (two), winch heads or apparatuses (two) and light plants (two).	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines power sub-grader or ribbon machine	8.10	.30	.85			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Longitudinal floats, boat oprs., (under 25ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one) winch heads or apparatuses (one) lights plants (one)	$8.10	.30	.85			
Air compressors (one), water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Tiremen and asphalt sprender oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Building, Hvy. & Hwy.)						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34-E 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., & drivers on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandem & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 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 and including 4 - 34-E batches	6.65	.30	a			
Drivers on heavy equipment over 9 cu. yds. or 13-1/2 tons and/or up to and including 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, Tractor-trailers, tandem A-frames tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34-E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.85	.30				

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. 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, one man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more; no weight limitation, diesel and/or heavy equipment mechanics	$7.05	.30	a			

FOOTNOTE:
a. Employer contribute $9.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: Maryland and Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Cos., Virginia and Dulles International Airport

DECISION NO.: AP-409

DATE: Date of Publication

Supersedes Decision No. AM-9,683, dated March 3, 1972, in 37 FR 4470.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories; and excluding all residential construction in Prince Georges Co.).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.05	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.60	.37	.18			
Carpenters	7.77	.25	.29		.07	
Cement Masons:						
Cement Masons	7.325	.185	.20		.03	
Grinding Machine	7.575	.185	.20		.03	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.38	.195	.20	½% + a&b	.005	
Elevator Constructors' Helpers	6.01	.195	.20	½% + a&b	.005	
Elevator Constructors' Helpers (Prob)	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.00	.45	.35		.01	
Ornamental & chain link fence	8.00	.45	.35		.01	
Reinforcing	7.85	.35	.25		.03	
Laborers:						
Common laborers, landscapers	5.77	.25	.25		.03	
Acetylene burners used on wrecking	6.27	.25	.25		.03	
Air tool op., scaffold builders, pavement busters, towmasters, buggy mobiles, spaders, mortarmen and scootcrates	5.92	.25	.25		.03	
Pipelayers	5.92	.25	.25		.03	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	6.365	.25	.25		.03	
Powersaw, well points	5.44	.25	.25		.03	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead Burners	7.80	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		¼ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		¼ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		¼ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		¼ of 1%	
Groundmen (over 2 years)	6.68	.20	1%		¼ of 1%	
Marble Setters	8.20	.15	.25			
Marble Setters' Helpers	7.10					

1-DC-1-2-L 2 of 3

BUILDING CONSTRUCTION (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Millwrights	$7.89	.25	.29		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.05	.41	.15		.03	
Steel, sandblasting, swing stage, power brushing	7.38	.41	.15		.03	
Pildriverman	7.905	.25	.29		.07	
Plasterers	~~7.215~~	~~.30~~	.25		.06	
Plumbers	$8.76	.30	.10			
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.03	.545	.545		.04	
Soft floor layers	7.44	.20	.24		.07	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.86	.30				
Stone masons	8.20	.15	.25			
Terrazzo & mosaic workers	7.85	a	.20			
Terrazzo workers' helpers	6.85	a	.20			
Tile setters	7.85	a	.20			
Tile setters' helpers	6.85	a	.20			
Truck Drivers:						
Dump trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, Euclid water sprinkler, tunnel work underground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION, continued 1-DC-1-2-M 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

d. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

2-D.C.-PEO-1-2-K

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.285	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.035	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	7.985	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.885	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.035	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.885	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.635	.35	.35		.10	
Air compressors (on steel)	7.705	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.455	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.625	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.435	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.235	.35	.35		.10	
Apprentice engineers:						
Firemen	6.575	.35	.35		.10	
Truck crane oilers	6.455	.35	.35		.10	
Oilers	6.405	.35	.35		.10	

SUPERSEDEAS DECISION

STATE: Maryland COUNTY: Baltimore County
DECISION NO.: AP-410 DATE: Date of Publication
Supersedes Decision No. AM-9680, dated February 25, 1972, in 37 FR 4028.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories), Heavy Construction (excluding sewer and water line construction), and Highway Construction.

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
Asbestos workers	$7.25	.50	.30		.02	
Boilermakers-Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.15	.40	.40		.12	
Carpenters	7.49	.29	.35		.05	
Cement masons	7.795	.125	.30			
Electricians	8.10	.40	1%+.20		½%	
Elevator constructors	7.92	.195	.20	½%+a&b	.005	
Elevator constructors' helpers	5.54	.195	.20	½%+a&b	.005	
Elevator constructors' helpers (Prob.)	3.96					
Glaziers:						
Glaziers	6.85	.15	.10			
Swinging scaffold or bosun's chair	7.05	.15	.10			
Ironworkers:						
Finishers, pre-cast & pre-stress erectors	7.76	.50	.75		.01	
Shecters	8.01	.50	.75		.01	
Rodmen	7.76	.50	.75		.01	
Laborers:						
Laborers	5.00	.20	.175		.025	
Hod carriers	5.40	.20	.175		.025	
Plasterers' laborers	5.15	.20	.175		.025	
Power tool operator	5.10	.20	.175		.025	
Pipelayers (concrete and clay)	5.20	.20	.175		.025	
Wagon drill operator	5.25	.20	.175		.025	
Lathers	8.29		.35		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen, cable splicer	8.50	.20	1%		½%	
Groundman (experienced)	5.40	.20	1%		½%	
Millwrights	7.49	.29	.35		.05	
Marble setters	8.15	.40	.40		.12	
Painters:						
Brush	5.62	.45	.20	.20		
Structural Steel, spray (steel), steam cleaning	6.12	.45	.20	.20		
Sandblasting	6.12	.45	.20	.20		
Spackling, taping & wall coverings	5.77	.45	.20	.20		
Spray (except steel)	5.87	.45	.20	.20		
Piledrivermen	7.49	.29	.35		.05	
Plasterers	7.70	.25	.30			
Plumbers	7.83	.35	.35		.04	
Roofers:						
Roofers, damp & water proof workers	5.55	.35	.30			
Roofers, slate & tile, asbestos and asphalt	6.00	.35	.30			
Shecter, precast and wood block	6.35	.35	.30			
Sheet metal workers	7.87	.55	.20		.05	
Marble, tile and terrazzo workers' helpers	5.675	.125	.20			

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
Soft floor layers - resilient floor layers	$7.49	.29	.35		.05	
Sprinkler fitters:						
Baltimore City	8.00	.25	.40		.05	
Excluding Baltimore City	8.00	.25	.40		.05	
Steamfitters	7.46	.45	.60		.06	
Stonemasons	8.15	.40	.40		.12	
Tile and Terrazzo workers	6.49	.125	.40		.04	
Truck Drivers:						
Goose-necks, drop frame trailers	6.75	d	e	f + g		
All "A" frames, winch trucks, fork lift and trailers	6.55	d	e	f + g		
Flat-beds and pick-ups	6.10	d	e	f + g		
Helpers	5.80	d	e	f + g		
Mixer trucks with agitator of 12 yds. capacity	6.60	d	e	f + g		
Mixer trucks with agitator over 12 yds. capacity	5.00	d	e	f + g		
Euclid wagons and dumpsters	5.20	d	e	f + g		
Pump trucks	4.92	d	e	f + g		
Truck Drivers: (Excavation):						
Dump truck	4.92	d	e	f + g		
Euclid wagon and dumpster	5.20	d	e	f + g		
Drop - frame, goose-neck and trailer	5.10	d	e	f + g		
Pick-up	4.75	d	e	f + g		
Helpers	4.80	d	e	f + g		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING AND HEAVY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% 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.

c. Holidays: A through F; plus Washington's Birthday and Good Friday (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).

d. Employer contributes $.25 per hour not to exceed 40 hours per week.

e. Employer contributes $.20 per hour not to exceed 40 hours per week.

f. One week paid vacation after employee has worked 125 days in the contract year.

g. Holidays: A through F; plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve, (provided the employee has worked one day and has been available for work during holiday week).

3-MD-PEO-1-C

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds., and over), multiple conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	6.57	.25	.30	a	.05
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	6.47	.25	.30	a	.05
Tractor with attachment (2 or more), autopetrol type grader	6.17	.25	.30	a	.05
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	5.87	.25	.30	a	.05
Front end tractor loader (under 1-3/4 yds.), bulldozer	5.92	.25	.30	a	.05
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	5.77	.25	.30	a	.05
Excavating scoop (under 25 yds.), caterpillar type tractor	5.72	.25	.30	a	.05
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	5.57	.25	.30	a	.05
Fireman, truck crane oiler, greaser truck, fuel truck	5.47	.25	.30	a	.05
Wheel tractor	5.27	.25	.30	a	.05
Oiler, deck hand, mechanic's helper	5.17	.25	.30	a	.05

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F.

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Bricklayers	6.15				
Carpenters	4.50				
Cement masons	4.78				
Electricians	8.10	.40	1%+.20		¼ of 1%
Form setters	3.39				
Ironworkers, structural	6.91				
Ironworkers, reinforcing	3.90				
Linemen	8.50	.20	1%		¼%
Groundman	5.40	.20	1%		¼%
Laborers:					
Mason tenders	3.25				
Air tool	2.91				
Asphalt raker spreader	3.08				
Concrete saw	3.70				
Fence erectors	3.24				
Mortar mixer	2.95				
Unskilled	2.91				
Painters, structural steel and bridge	5.50				
Piledrivermen	4.79				
Power Equipment Operators:					
Aggregate spreader operator	4.27				
Backhoes	4.845				
Bulldozers	4.50				
Concrete batching plant	4.00				
Concrete finishing machine	3.50				
Concrete paving machine	5.50				
Concrete spreader machine	4.32				
Cranes, derricks, draglines	5.17				
Gradalls	4.60				
Loaders	4.49				
Mechanics	5.495				
Mechanics' helpers	3.75				
Mixers	5.00				
Motor patrols	5.00				
Oilers - greasers	4.73				
Piledrivers	6.40				
Rollers, base	3.00				
Rollers, finish	4.05				
Scrapers, pans, scoops	4.50				
Shovels	4.37				
Subgraders	4.00				
Tractors, wheel with attachments	3.375				
Tractor, wheel	3.10				
Trenching machines	3.20				
Truck drivers	3.45				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Douglas and Sarpy
DECISION NUMBER: AP-210 DATE: Date of Publication
Supersedes Decision No. AM-2443 dated August 25, 1971 in 36 FR 16,878
DESCRIPTION OF WORK: Building Construction(excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.045	.25	.25	1½%	.01	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS, Stonemasons	6.95	.20	.20	.225		
CARPENTERS:						
Carpenters	6.655	.20	.20			
Piledrivermen	6.78	.20	.20			
Millwrights	6.905	.20	.20			
CEMENT MASONS	6.80	.20	.20			
ELECTRICIANS	8.30	.28	1%+.40			
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.75	.20	.10			
IRONWORKERS:						
Ornamental, Reinforcing, Structural	6.78	.20	.20			
LABORERS:						
Common Laborer	4.70	.125	.10			
Buggymobile Operators; Mortar Mixers	4.825	.125	.10			
Mason Tenders	4.825	.125	.10			
Pipelayers	4.95	.125	.10			
Plasterers' Tenders	4.975	.125	.10			
LINE CONSTRUCTION:						
Hole digger operator; Linemen	5.72	.15	1%		½%	
Cable splicers	6.10	.15	1%		½%	
MARBLE SETTERS	6.05	.b	.10			
PAINTERS:						
Brush; Roller	5.45		.15			
Structural steel; Paperhangers	5.70		.15			
Spray Gun	5.95		.15			
Swing stage & Bos'n chair; All work above 45'	5.95		.15			
PLASTERERS	6.575	.125	.20			
PLUMBERS; Steamfitters	8.20	.25	.40		.05	
ROOFERS:						
Composition	5.75	.15	.20		.01	
Slate; Tile	6.05	.15	.20		.01	
SHEET METAL WORKERS	7.85	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS; Tile Setters	6.05	b	.10			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MARBLE, TILE AND TERRAZZO WORKERS' HELPERS	$5.20					
TRUCK DRIVERS:						
Single Axle	4.95	.125	.10			
Tandem Axle	5.025	.125	.10			
Lowboy; Trailer	5.15	.125	.10			
Lumber Carriers	5.325	.125	.10			
DRYWALL:						
Tapers & finishers	6.60	.35		.40		
Spray	6.85	.35		.40		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer agrees to provide one-half cost of a Health & Welfare Plane (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health & Welfare Plane shall pay $.20 per hour in cash.

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Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
CARPENTERS:						
Carpenters	6.38	.20	.20			
Piledrivermen	6.505	.20	.20			
CEMENT FINISHER	6.23	.20	.20			
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20			
LABORERS:						
Common Laborers	4.15	.125	.10			
Towboat & Dredge Deckhands	4.25	.125	.10			
Form Setter Helpers	4.35	.125	.10			
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	4.325	.125	.10			
Pipelayers; Concrete Saw Operator	4.40	.125	.10			
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	4.775	.125	.10			
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	4.225	.125	.10			
Oiler Driver	4.275	.125	.10			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	4.625	.125	.10			
Spread Oiler (after one year's experience in classification)	4.925	.125	.10			
Concrete Mixer; Concrete Pump; Hydro-Hammer	4.825	.125	.10			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trax-cavator; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	5.125	.125	.10			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35HP; DW-21 over 35 HP; DW-10	5.275	.125	.10			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side-Boom Cat; Pug Mill Operator on Asphalt Plant; Leberman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	5.425	.125	.10			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:	4.51	.125	.10			
Single Axle Trucks						
Tandem Axle Trucks; Cab Control Power Lift Form Trucks	4.57	.125	.10			
Lowboys & Tractor-Trailers	4.70	.125	.10			
Lumber Carrier	4.87	.125	.10			

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NEBRASKA - (MISSOURI RIVER)-c

Channel Stabilization Work including Dredging & Rockfilled Pile Dikes & Revetments:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers & deckhands unloading barge						
Piledriver Towboat	$3.55	.125	.10			
Piledriver deckhands & piledriver leadsman	3.75					
POWER EQUIPMENT OPERATORS:						
Boiler (or fireman); Oiler	3.80	.125	.10			
Winch or boom truck; Winch (power operated)	3.90	.125	.10			
Dozer; Front end loader or high lift; Scoop or similar equipment	4.15	.125	.10			
Engineer on dredge (12" up to 18"); Mechanic or welder	4.20	.125	.10			
Piledriver (or engine man)	4.45	.125	.10			
Derrick; Dragline, Clam bucket, Orange peel, or Crane; Dredge operator or Leverman; Engineer on Dredge (18" & over); Side Boom; Towboat operator	4.50	.125	.10			

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Statewide (Except Douglas and Sarpy)

DECISION NUMBER: AP-211 DATE: Date of Publication

Supersedes Decision No. AM-2442 dated August 25, 1971 in 36 FR 16,876

DESCRIPTION OF WORK: Highway and road type construction, including grading, surfacing, paving and miscellaneous work incidental to construction of highways, roads and trails.

Statewide (except Cass, Washington and that portion of Saunders County, East of Highway 109)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$3.90					
Carpenter's Helper	3.20					
Cement Finisher	3.75					
Concrete Saw Operator	3.00					
Form Setter (road)	3.50					
Form Setter (structures)	3.10					
Laborer	2.55					
Manhole Builder	3.00					
Painter	3.00					
Pile Driver Leadsman	3.00					
Power Equipment Operators:						
All Purpose Spreader	3.50					
Asphalt Distributor	3.25					
Asphalt Distributor's Helper	2.75					
Asphalt Heaterman	3.00					
Asphalt Paving Machine	3.75					
Asphalt Paving Machine Screedman	2.90					
Stationary Plant (base or stabilization)	3.25					
Stationary Plant (asphalt or concrete)	3.75					
Beginner Operator	3.25					
Bulldozer:						
Less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Cement Handler	2.75					
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	3.90					
Concrete Mixer	2.75					
Concrete Paver	$3.80					
Slip Form Paver	3.80					
Concrete Finishing Machine and Spreader	3.80					
Conveyor	2.75					
Crusher (incl. those with integral screening plant)	3.75					
Dredge Pump Under 10"	3.25					
Dredge Pump 10" and Over	3.75					
Fireman (boiler)	3.00					
Front End Loaders:						
3½ cu. yds. or less	3.45					
Over 3½ cu. yds.	3.75					
Mechanic	3.75					
Mechanic's Helper	3.30					
Motor Grader (rough)	3.75					
Motor Grader (finish)	3.90					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Oiler or Greaser	$3.25					
Roller, Self-Propelled (hot mix)	3.35					
Roller or Compactor, Self-Propelled (other)	3.25					
Scraper Under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.75					
Power Grade Machine (trimmer)	3.80					
Tractors:						
Farm type (towing)	2.80					
Farm type (with attachments)	3.25					
Less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Traveling Plant (stabilization)	3.55					
Traveling Plant Helper (stabilization)	3.00					
Trenching Machine	3.50					
Truck Drivers:						
Single Axle	2.70					
Tandem Axle and Semitrailer	3.00					
Transit Mix	3.25					
Lowboy	3.25					
Welder	3.75					

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(Cass, Washington and that portion of Saunders County, East of Highway 109)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
CARPENTERS:					
Carpenters	6.38	.20	.20		
Piledrivermen	6.505	.20	.20		
CEMENT FINISHER	6.23	.20	.20		
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20		
LABORERS:					
Common Laborers	4.15	.125	.10		
Towboat & Dredge Deckhands	4.25	.125	.10		
Form Setter Helpers	4.35	.125	.10		
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	4.325	.125	.10		
Pipelayers; Concrete Saw Operator	4.40	.125	.10		
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	4.775	.125	.10		
POWER EQUIPMENT OPERATORS:					
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	4.225	.125	.10		
Oiler Driver	4.275	.125	.10		
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	4.625	.125	.10		
Spread Oiler (after one year's experience in classification)	4.925	.125	.10		
Concrete Mixer; Concrete Pump; Hydro-Hammer	4.825	.125	.10		
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trax-cavator; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	5.125	.125	.10		
Blade (Patrol); Scraper over 35 HP; Tournapull over 35HP; DW-21 over 35 HP; DW-10	5.275	.125	.10		
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leberman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	5.425	.125	.10		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
TRUCK DRIVERS:	4.51	.125	.10		
Single Axle Trucks					
Tandem Axle Trucks; Cab Control Power Lift Form Trucks	4.57	.125	.10		
Lowboys & Tractor-Trailers	4.70	.125	.10		
Lumber Carrier	4.87	.125	.10		

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Harris
DECISION NO.: AP-305 DATE: Date of Publication
Supersedes Decision No. AM-11,408, dated March 31, 1972, in 37 FR 6617.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

14 - Texas - 1 f (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.32	.275	.30			
BOILERMAKERS	6.50	.30	.40		.01	
BRICKLAYERS	7.20	.275	.30		.03	
CARPENTERS:						
Carpenters	6.35	.40	.22		.05	
Millwrights	6.52	.48	.22		.05	
Piledrivermen	6.35	.40	.22			
CEMENT MASONS	6.00	.30	.35		.02	
ELECTRICIANS	7.01	.25	1%+.15	.225	.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	6.975	.25	.40		.05	
LABORERS:						
Common	4.55	.18	.10		.02	
Air tool operator (jackhammer - vibrator)	4.725	.18	.10		.02	
Mason tenders	4.725	.18	.10		.02	
Pipelayers (concrete and clay)	4.725	.18	.10		.02	
Sandblasters	4.725	.18	.10		.02	
Power buggy operator	4.725	.18	.10		.02	
Lather tender	4.825	.18	.10		.02	
Mortar mixers	4.825	.18	.10		.02	
Well driller	5.10	.18	.10		.02	
Well driller helpers	4.675	.18	.10		.02	
Blaster, powderman	4.975	.18	.10		.02	
Plaster tender & hod carrier	4.825	.18	.10		.02	
LATHERS	6.75	.20	.15		.02	
PAINTERS:						
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	
Steaple jack work, hot materials	6.735	.275	.30	.30	.03	
PIPEFITTERS	7.325	.275	.50		.04	
PLASTERERS	6.825	.27	.30		.02	
PLUMBERS	6.95	.22	.42	.50	.05	

AP-305 P. 2

14 - Texas - 1 f (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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	6.985	.225	.275	.20	.015	
SOFT FLOOR LAYERS	6.15		.10		.03	
SPRINKLER FITTERS	7.60	.25	.40		.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-305 P. 3

14 - Texas - PEO - 1 k

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
ASPHALT plant mixer operator; Back filler; Blade grader (self-propelled); Building elevator (used on construction); Bull clam; Bulldozer & all types cat tractors; Cable way; Clam shells, draglines, backhoe; Concrete batch plant operator; Concrete mixer (14 cu. ft. or more); Crane - power operated (all types); Crusher operator; Derrick - power operated (all types); DW-10 caterpillar, S-18 euclid and similar tractors; Elevating grader (self-propelled); Fork lift used on construction (not including warehousing); Foundation boring machine; Gasoline or diesel driven welding machines (7 or more); Gradall; Heavy duty mechanic; Highlift; Hoist (motor driven, 2 drum or more); Locomotive crane; Mix mobile; Paving mixer (all types); Pile driver; Pneumatic rollers (self-propelled); Pumperete machine operator; Push cat operator; Scoopmobiles; Scraper (heavy type, over 3 cu. yds.); Shovel (power operated); Trenching machine (all sizes); Tug boat operator (assigned to construction); Turnapulls; Water well drilling machines (used on construction); Well point pump; Winch truck; All other equipment of similar nature coming under the heavy equipment class, when power operated	$6.35	.20	.30		.01	
AIR COMPRESSORS; Blade grader (towed); Concrete mixer (less than 14 cu. ft.); Conveyor; Flex plane; Form grader; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Generator (gasoline or diesel driven, over 1500 watts); Hoist (single drum); Pulsometer; Pumps; Rubber tired farm tractor with attachments; Scraper (3 cu. yds. or less); Truck crane driver; Wagon drill operator; 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	5.77	.20	.30		.01	
FIREMAN	5.37	.20	.30		.01	
OILER	5.26	.20	.30		.01	

AP-305 P. 4

14 - Texas - 3 f (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.80					
Asphalt Heaterman	2.85					
Asphalt Raker	3.00					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	2.60					
Carpenter	4.00					
Carpenter Helper	3.00					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	2.75					
Concrete Finisher (Structures)	3.45					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.55					
Form Liner (Paving and Curb)	3.65					
Form Setter (Paving and Curb)	3.45					
Form Setter Helper (Paving and Curb)	2.75					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.65					
Laborer, Common	2.25					
Laborer, Utility Man	2.50					
Manhole Builder, Brick	3.75					
Mechanic	4.00					
Mechanic Helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (Structures)	3.90					
Painter Helper (Structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer Helper	2.75					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	3.40					
Reinforcing Steel Setter Helper	2.50					
Steel Worker (Structural)	3.90					
Steel Worker Helper (Structural)	2.75					
Spreader Box Man	3.50					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.20					
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	3.35					
Concrete Paving Longitudinal Float	3.25					

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14 - Texas - 3 f (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 Mixer	$3.75					
Concrete Paving Spreader	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Crusher or Screening Plant Operator	3.25					
Foundation Drill Operator (Crawler Mounted)	4.00					
Foundation Drill Operator (Truck Mounted)	3.85					
Front End Loader (2½ C.Y. and Less)	3.25					
Front End Loader (Over 2½ C.Y.)	3.50					
Mixer (16 C.F. and Less)	3.55					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	2.75					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	3.00					
Tractor (Crawler Type) over 150 H.P.	3.15					
Tractor (Pneumatic) 80 H.P. and Less	2.40					
Tractor (Pneumatic) over 80 H.P.	2.55					
Trenching Machine, Heavy	4.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.25					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder Helper	3.00					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.465	.17	1%		1/2%	
Ground mechanics	6.42	.17	1%		1/2%	
Groundmen	5.15	.17	1%		1/2%	
Groundmen (1st 6 mos.)	3.77	.17	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Statewide

DECISION NUMBER: AP-209 Date: Date of Publication

Supersedes Decision No. AM-6733 dated June 9, 1972 in 37 FR 11,635

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

18-UTAH-1-2-3-P (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
ASBESTOS WORKERS	7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS.	6.40	.30	.70	.45	.02	
BRICKLAYERS	6.73	.24	.22		.01	
CARPENTERS:						
Carpenters:						
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.00	.15	.25	.15	.02	
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.75	.15	.25	.15	.02	
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.875	.15	.25	.15	.02	
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal	8.00	.15	.25	.15	.02	
Saw Filers, Saw Ops., & Carpenters handling creosote material:						
Zone 1	7.125	.15	.25	.15	.02	
Zone 2	7.875	.15	.25	.15	.02	
Zone 3	8.00	.15	.25	.15	.02	
Zone 4	8.125	.15	.25	.15	.02	
Millwrights (All Zones)	7.25	.15	.25	.15	.02	
Acoustical Carpenters (All Zones)	7.00	.15	.25	.15	.02	
CEMENT MASONS:						
Cement Masons						
Zone 1 (The area less than 45 miles from any county seat except Daggett County)	7.00	.15	.25	.15		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cement Masons						
Zone 2 (All of DAGGETT COUNTY and the area beyond a distance greater than a radius of 45 miles from the remaining county seats)	7.40	.15	.25	.15		
Machine Op.; Mastic Floor Materials; Spark Proofing; Scaffold (20-40 ft.)						
Zone 1	7.125	.15	.25	.15		
Zone 2	7.525	.15	.25	.15		
DRYWALL INSTALLERS:						
Taping, finishing and texturing (hand or machine)	7.00	.16	.12	.13	.02	
ELECTRICIANS:						
Zone I						
Cache-Davis Counties (North of 41st parallel)-Weber County						
Electricians	7.85	.25	1%		1%	
Cable Splicers	8.10	.25	1%		1%	
Zone II*						
Box Elder County (east of 112.5° longitude)-Morgan County:						
Electricians	8.85	.25	1%		1%	
Cable Splicers	9.10	.25	1%		1%	
Zone III*						
Box Elder County (west of 112.5° longitude)-Rich County:						
Electricians	9.60	.25	1%		1%	
Cable Splicers	9.85	.25	1%		1%	
*Electrical contracts not exceeding $10,000.00 in Zones II and III and $50,000 within the Brigham City Limits, Zone I rates shall apply.						
Salt Lake County & that portion of Davis County lying south of the 41st parallel; and that portion of Utah County lying north of the 40th parallel.						
10 mi. East or West from Interstate Hwy. #15						
Electricians	7.85	.3	1%		8/10%	
Cable Splicers	8.10	.25	1%		8/10%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Over 10 miles East or West from Interstate Hwy #15:						
Electricians	$8.35	.25	1%		8/10%	
Cable Splicers	8.60	.25	1%		8/10%	
Remainder of State:						
Electricians	9.85	.25	1%		8/10%	
Cable Splicers	10.10	.25	1%		8/10%	
ELEVATOR CONSTRUCTORS	6.16	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.53	.16		.38b		
IRONWORKERS:						
Ornamental-Reinforcing-Fence Erector-Structural	6.88	.35	.50		.05	
LABORERS:						
Brick Tenders	4.80	.15	.25			
Plasterers' Tenders	5.505	.20	.25			
LATHERS	6.39	.25	.40		.01	
LINE CONSTRUCTION:						
Cable Splicers	7.26	.25	1%		1%	
Lineman	6.61	.25	1%		1%	
Line Equipment Operator	5.87	.25	1%		1%	
Head Groundman	5.10	.25	1%		1%	
Groundman	4.61	.25	1%		1%	
MARBLE SETTERS	5.70			.20		
PAINTERS:						
Area North of 41st Parallel:						
Brush	5.19	.16	.12		.01	
Spray; Structural Steel; Swing Stage	5.39	.16	.12		.01	
Steeple Jack Work	5.39	.16	.12		.01	
Remaining part of State:						
Brush; Roller; Paperhanger; Sheet Rock Taper	5.12	.16	.18		.02	
Brush (Swing Stage); Brush (Steel & Bridge); Spray & Sandblaster; Steeple Jack	5.32	.16	.18		.02	
Spray (Swing Stage); Spray (Steel & Bridge); Sandblaster (Swing Stage); and special Coating Applicator	5.52	.16	.18		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PILEDRIVERMEN: Bridge, Wharf, & Dock Carpenters, Riggers, Boom Men	8.23	.15	.25	.15	.02	
PLASTERERS	7.02	.15	.20		.01	
PLUMBERS; Pipefitters & Steamfitters:						
Zone 1-15 mi. radius from center of each city, namely Salt Lake City Ogden and Provo	5.78	.16	.20		.04	
Zone 2- Zone 1 plus 15 miles	7.08	.16	.20		.04	
Zone 3- Zone 2 plus 15 miles	7.43	.16	.20		.04	
Zone 4- All areas beyond Zone 3	8.28	.16	.20		.04	
REFRIGERATION & AIR CONDITIONING:						
50 tons or over:						
Zone 1- 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	6.68	.21	.25		.04	
Zone 2- Zone 1 plus 15 miles	6.98	.21	.25		.04	
Zone 3- Zone 2 plus 15 miles	7.33	.21	.25		.04	
Zone 4- All areas beyond Zone 3	8.18	.21	.25		.04	
Under 50 tons:						
All Zones	5.85	.21	.25		.02	
ROOFERS	5.95	.15	.15			
SHEET METAL WORKERS	6.78	.24	.20		.02	
SOFT FLOOR LAYERS	5.90	.16	.12			
SPRINKLER FITTERS	7.20	.25	.40		.05	
TERRAZZO WORKERS	5.70			.20		
TILE SETTERS	5.70			.20		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Plus seven paid holidays A through F.

AP-209 P. 5

LABORERS That area in the State of Utah within 45 road miles of the county seats excluding Daggett County:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$4.805	.15	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	4.93	.15	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.055	.15	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.18	.15	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	5.53	.15	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I (Underground) Underground Laborers	4.93	.15	.25	.15	.04	
GROUP II (Underground) Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.03	.15	.25	.15	.04	
GROUP III (Underground) Nipper; Screedman; Vibrator; Tapman	5.13	.15	.25	.15	.04	
GROUP IV (Underground) Cutting Machine Operator; Drill Doctor; Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.23	.15	.25	.15	.04	
GROUP V (Underground) Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	5.53	.15	.25	.15	.04	

AP-209 P. 7

LABORERS That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.555	.15	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.68	.15	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.805	.15	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.93	.15	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	6.28	.15	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I (Underground) Underground Laborers	5.68	.15	.25	.15	.04	
GROUP II (Underground) Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.78	.15	.25	.15	.04	
GROUP III (Underground) Nipper; Screedman; Vibrator; Tarman	5.88	.15	.25	.15	.04	
GROUP IV (Underground) Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.98	.15	.25	.15	.04	
GROUP V (Underground) Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	6.28	.15	.25	.15	.04	

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PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
(a) Assistant to Engineer (Fireman, Oiler, Deckhand	6.69	.495	.725	.25	.10	
(b) Compressor Operator (Electrically, gas or diesel powered, etc.)	6.96	.495	.725	.25	.10	
(c) Truck Crane Oiler	7.08	.495	.725	.25	.10	
GROUP 2						
(a) Operator of Tugger Hoist (Hoisting materials only)	7.59	.495	.725	.25	.10	
(b) Compressor Operator (2 to 6) (Electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 K.W.); Pump Op. (2 to 6); Welding Machine Op. (2 to 6) (Gas or diesel powered)	7.76	.495	.725	.25	.10	
GROUP 3						
"A" Frames; Deck Engineer; Fork Lift Operator; Self propelled Boom Type Lifting Device	8.00	.495	.725	.25	.10	
GROUP 3-A						
Heavy Duty Repairman and/or Welder	8.31	.495	.725	.25	.10	
GROUP 4						
Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver. (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	8.76	.495	.725	.25	.10	
GROUP 5						
Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/ steam, flash boiler, pump or compressor attached); Op. of steam powered crawler or Universal Type Driver (Raymond or similar type); Truck Crane Op. (over 25 tons (Hoisting material or performing piledriving work)	8.88	.495	.725	.25	.10	

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1					
Assistant to Engineer (Oiler)	$ 7.05	.495	.725	.25	.10
GROUP 2					
Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	7.36	.495	.725	.25	.10
GROUP 3					
Compressors, Generators &/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.17	.495	.725	.25	.10
GROUP 4					
Heavy Duty Repairman; Tractor Op.	8.29	.495	.725	.25	.10
GROUP 4-A					
Combination Heavy Duty Repairman; Welder	8.52	.495	.725	.25	.10
GROUP 5					
"A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	8.91	.495	.725	.25	.10
GROUP 6					
Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway (Signalman required); Tower Cranes Mobile; Universal Liebher & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	9.24	.495	.725	.25	.10
GROUP 7					
Operator of Helicopter	10.49	.495	.725	.25	.10

AREA 1 *

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POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
CHAINMAN; Rodman	$ 5.81	.47	.70	.25	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Grade Setter - Repairman Helper - Field	6.06	.47	.70	.25	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screadman; Truck Crane Oiler	6.38	.47	.70	.25	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper-Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	6.54	.47	.70	.25	.10	
GROUP IV-A						
HEAVY DUTY REPAIRMAN and Welder - Permanent Shop	6.64	.47	.70	.25	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Ewsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	6.64	.47	.70	.25	.10	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self Propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$ 7.05	.47	.70	.25	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Opr.; Fuller Kanyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-Propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	7.18	.47	.70	.25	.10	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$7.28	.47	.70	.25	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to .5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-Propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	7.55	.47	.70	.25	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	$7.60	.47	.70	.25	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	7.65	.47	.70	.25	.10	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers DW 10,20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$7.80	.47	.70	.25	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradescotter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	8.19	.47	.70	.25	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	9.05	.47	.70	.25	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	9.45	.47	.70	.25	.10	

AREA 2**

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POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
CHAINMAN; Rodman	$6.81	.47	.70	.25	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Grade Setter - Repairman Helper - Field	7.06	.47	.70	.25	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Punpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	7.38	.47	.70	.25	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper-Multiple Purpose; Front End Loader up to and including 1 c.y. Struck HRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	7.54	.47	.70	.25	.10	
GROUP IV-A						
HEAVY DUTY REPAIRMAN And Welder - Permanent Shop	7.64	.47	.70	.25	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Ensco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	7.64	.47	.70	.25	.10	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self Propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck HRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$8.05	.47	.70	.25	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Opr.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-Propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	8.18	.47	.70	.25	.10	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$8.28	.47	.70	.25	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-Propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine grader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	8.55	.47	.70	.25	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	8.60	.47	.70	.25	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunite Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	8.65	.47	.70	.25	.10	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers DW 10,20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$8.80	.47	.70	.25	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	9.19	.47	.70	.25	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	10.05	.47	.70	.25	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	10.45	.47	.70	.25	.10	

AREA 1*

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION.	APP. TR.	OTHERS
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yards	6.30	.30	.30	.30		
8 yards & less than 14 yards	6.45	.30	.30	.30		
14 yards & less than 35 yards	6.60	.30	.30	.30		
35 yards & less than 55 yards	6.80	.30	.30	.30		
55 yards & less than 75 yards	7.00	.30	.30	.30		
75 yards & less than 95 yards	7.20	.30	.30	.30		
95 yards & less than 105 yards	7.40	.30	.30	.30		
Over 105 yards	7.52	.30	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	6.125	.30	.30	.30		
Less than 10 tons	6.20	.30	.30	.30		
10 tons & less than 15 tons	6.35	.30	.30	.30		
15 tons & less than 20 tons	6.45	.30	.30	.30		
20 tons & over	6.60	.30	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRANSIT MIX TRUCKS:						
4 1/2 yards capacity & less	6.325	.30	.30	.30		
Over 4 1/2 yards capacity to & including 6 1/2 yards	6.425	.30	.30	.30		
Over 6 1/2 yards	6.525	.30	.30	.30		
Concrete pumping trucks	6.525	.30	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gallons	6.175	.30	.30	.30		
1200 to 2500 gallons	6.30	.30	.30	.30		
2500 to 4000 gallons	6.45	.30	.30	.30		
4000 to 6000 gallons	6.75	.30	.30	.30		
6000 gallons to less than 10,000	7.00	.30	.30	.30		
10,000 gallons to less than 15,000 gallons	7.25	.30	.30	.30		
15,000 gallons to less than 20,000 gallons	7.50	.30	.30	.30		
20,000 gallons to less than 25,000 gallons	7.75	.30	.30	.30		
Over 25,000 gallons	8.00	.30	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.00	.30	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Hanlift Truck	6.50	.30	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	6.50	.30	.30	.30		
Truck Driver Helper	6.075	.30	.30	.30		
Chauffeurs	6.075	.30	.30	.30		
Bunker & Truck Loaders	6.20	.30	.30	.30		
Warehousemen (Counter Clerk)	6.25	.30	.30	.30		
Warehousemen	6.125	.30	.30	.30		
Washers, Greasers & Tiremen	6.275	.30	.30	.30		
Gas Station Attendants	6.075	.30	.30	.30		
Fork Lift (Over 6 tons)	6.60	.30	.30	.30		
Material Engineer	6.42	.30	.30	.30		
Teamster Mechanic	7.31	.30	.30	.30		
Teamster Mechanic Helper	7.06	.30	.30	.30		
Teamster Welder	7.31	.30	.30	.30		
Teamster Driving Two Horses	7.075	.30	.30	.30		
Teamster Driving Three or More Horses	6.175	.30	.30	.30		

AREA 2**

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yards	7.30	.30	.30	.30		
8 yards & less than 14 yards	7.45	.30	.30	.30		
14 yards & less than 35 yards	7.60	.30	.30	.30		
35 yards & less than 55 yards	7.80	.30	.30	.30		
55 yards & less than 75 yards	8.00	.30	.30	.30		
75 yards & less than 95 yards	8.20	.30	.30	.30		
95 yards & less than 105 yards	8.40	.30	.30	.30		
Over 105 yards	8.52	.30	.30	.30		

Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.

When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.

Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.

FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	7.125	.30	.30	.30		
Less than 10 tons	7.20	.30	.30	.30		
10 tons & less than 15 tons	7.35	.30	.30	.30		
15 tons & less than 20 tons	7.45	.30	.30	.30		
20 tons & over	7.60	.30	.30	.30		

Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.

When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRANSIT MIX TRUCKS:						
4 1/2 yards capacity & less	7.325	.30	.30	.30		
Over 4 1/2 yards capacity to & including 6 1/2 yards	7.425	.30	.30	.30		
Over 6 1/2 yards	7.525	.30	.30	.30		
Concrete pumping trucks	7.525	.30	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gallons	7.175	.30	.30	.30		
1200 to 2500 gallons	7.30	.30	.30	.30		
2500 to 4000 gallons	7.45	.30	.30	.30		
4000 to 6000 gallons	7.75	.30	.30	.30		
6000 gallons to less than 10,000	8.00	.30	.30	.30		
10,000 gallons to less than 15,000 gallons	8.25	.30	.30	.30		
15,000 gallons to less than 20,000 gallons	8.50	.30	.30	.30		
20,000 gallons to less than 25,000 gallons	8.75	.30	.30	.30		
Over 25,000 gallons	9.00	.30	.30	.30		

Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.

Oil Spreader Operator (on single man operation where boot man is not required)	8.00	.30	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	7.50	.30	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	7.50	.30	.30	.30		
Truck Driver Helper	7.075	.30	.30	.30		
Chauffeurs	7.075	.30	.30	.30		
Bunker & Truck Loaders	7.20	.30	.30	.30		
Warehousemen (Counter Clerk)	7.25	.30	.30	.30		
Warehousemen	7.125	.30	.30	.30		
Washers, Greasers & Tiremen	7.275	.30	.30	.30		
Gas Station Attendants	7.075	.30	.30	.30		
Fork Lift (Over 6 tons)	7.60	.30	.30	.30		
Material Engineer	7.42	.30	.30	.30		
Teamster Mechanic	8.31	.30	.30	.30		
Teamster Mechanic Helper	8.06	.30	.30	.30		
Teamster Welder	8.31	.30	.30	.30		
Teamster Driving Two Horses	8.075	.30	.30	.30		
Teamster Driving Three or More Horses	7.175	.30	.30	.30		

UTAH
AREA DEFINITIONS
for
Truck Drivers & Operating Engineers

**AREA 2: All areas not included within Area 1 as defined below.

*Area 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the Northerly line of Township 36S, thence easterly along the northerly lines of Township 36S to the Northeast corner of Township 36S, Range 17W.

Thence Northerly to the N.W. corner of township 35S, range 16W;
Thence Easterly to the N.E. corner of township 35S, range 16 W;
Thence Northerly to the N.W. corner of township 31S, range 15 W;
Thence easterly to the N.E. corner of township 31S, range 15 W;
Thence Northerly to the N.W. corner of township 26S, range 14 W;
Thence Easterly to the N.E. corner of township 26S, range 14 W;
Thence Northerly to the N.W. corner of township 25S, range 13 W;
Thence Easterly to the N.E. corner of township 25S, range 13 W;
Thence Northerly to the N.W. corner of township 24S, range 12 W;
Thence Easterly to the N.E. corner of township 24 S, range 12 W;
Thence Northerly to the N.W. corner of township 19 S, range 11 W;
Thence Easterly to the N.E. corner of township 19 S, range 11 W;
Thence Northerly to the N.W. corner of township 17 S, range 10 W;
Thence Easterly to the N.E. corner of township 17 S, range 10 W;
Thence Northerly to the N.W. corner of township 16 S, range 9 W;
Thence Easterly to the N.E. corner of township 16 S, range 9 W;
Thence Northerly to the N.W. corner of township 15 S, range 8 W;
Thence Easterly to the N.E. corner of township 15 S, range 8 W;
Thence Northerly to the S.W. corner of township 7 S, range 7 W;
Thence Westerly to the S.W. corner of township 7 S, range 10 W;
Thence Northerly crossing the Salt Lake Base line to the N.W. corner of township 6 N, range 10 W;
Thence Easterly to the N.W. corner of township 6 N, range 8 W;
Thence Northerly to the N.W. corner of township 12 N, range 8 W;
Thence Easterly to the N.E. corner of township 12 N, range 8 W;
Thence Northerly along the Westerly line of range 7 W to the Utah/Idaho border
Thence Easterly along the Utah/Idaho border crossing the Salt Lake Meridian to the Intersection of the Utah/Idaho/Wyoming borders
Thence Southerly along the Utah/Wyoming Border
Thence Easterly along the Utah/Wyoming border to the Easterly line of range 11 E;
Thence Southerly along the East line of range 11 E, crossing the Salt Lake Base line to the N.E. corner of township 4 S, range 11 E;
Thence Easterly to the N.W. corner of township 4 S, range 18 E;
Thence Northerly to the N.W. corner of township 1 S, range 18 E;
Thence Easterly along the Salt Lake Base line to the N.E. corner of township 1 S, range 24 E;
Thence Southerly to the N.E. corner of township 3 S, range 24 E;
Thence Easterly along the Northern line of township 3 S, to the Utah/Colorado border;

Thence Southerly along the Utah/Colorado border, to the Southerly line of township 6 S;
Thence Westerly to the N.E. corner of township 7 S, range 23 E;
Thence Southerly to the S.E. corner of township 7 S, range 23 E;
Thence Westerly to the S.W. corner of township 7 S, range 20 E;
Thence Southerly to the S.E. corner of township 8 S, range 19 E;
Thence Westerly to the S.E. corner of township 8 S, range 16 E;
Thence Southerly to the S.E. corner of township 11 S, range 16 E;
Thence Westerly to the S.E. corner of township 11 S, range 14 E;
Thence Southerly to the S.E. corner of township 16 S, range 14 E;
Thence Westerly to the S.E. corner of township 16 S, range 12 E;
Thence Southerly to the S.E. corner of township 20 S, range 12 E;
Thence Westerly to the S.E. corner of township 20 S, range 8 E;
Thence Southerly to the S.E. corner of township 21 S, range 8 E;
Thence Westerly to the S.E. corner of township 21 S, range 6 E;
Thence Southerly to the S.E. corner of township 23 S, range 6 E;
Thence Westerly to the S.E. corner of township 23 S, range 5 E;
Thence Southerly to the N.E. corner of township 27 S, range 5 E;
Thence Easterly to the N.E. corner of township 27 S, range 7 E;
Thence Southerly to the S.E. corner of township 30 S, range 7 E;
Thence Westerly to the S.E. corner of township 30 S, range 4 E;
Thence Southerly to the S.E. corner of township 31 S, range 4 E;
Thence Westerly to the S.W. corner of township 31 S, range 4 E;
Thence Southerly to the S.E. corner of township 35 S, range 3 E;
Thence Westerly to the S.W. corner of township 35 S, range 3 E;
Thence Southerly to the S.E. corner of township 37 S, range 2 E;
Thence Westerly to the S.W. corner of township 37 S, range 2 E;
Thence Southerly to the S.E. corner of township 39 S, range 1 E;
Thence Westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 S, range 2 W;
Thence Southerly to the S.E. corner of township 41 S, range 2 W;
Thence Westerly to the S.E. corner of township 41 S, range 4 W;
Thence Southerly along the Easterly line of range 4 W, to the Utah/Arizona border;
Thence Westerly along the Utah/Arizona border to the S.W. corner of Utah;
Thence Northerly along the Utah/Nevada border to the point of beginning;

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Commencing at the intersection of the Utah/Colorado border and the Southerly line of township 34 S,
Thence Westerly to the S.W. corner of township 34 S, range 21 E;
Thence Northerly to the S.W. corner of township 29 S, range 21 E;
Thence Westerly to the S.W. corner of township 29 S, range 19 E;
Thence Northerly to the N.W. corner of township 23 S, range 19 E;
Thence Easterly to the N.W. corner of township 23 S, range 22 E;
Thence Northerly to the N.W. corner of township 21 S, range 22 E;
Thence Easterly to the N.E. corner of township 21 S, range 24 E;

Thence Southerly to the N.E. corner of township 31 S, range 24 E;
Thence Easterly along the Northerly line of township 31 S, to the Utah/Colorado border;
Thence Southerly along the Utah/Colorado border to the point of beginning.

NOTE: Truck Drivers, only - If any part of portion of any job or project falls within Area 2, then the Area 2 rate of pay will apply for all work done on said job or project. This means, all actual on-site work, such as dams, bridges, roads, etc., including barrow pits which may be located in Area 1.

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