

[Docket No. 7013; Amdt. 151-9]

**PART 151—FEDERAL AID TO  
AIRPORTS**

**Labor Protective Provisions; Fringe  
Benefit Requirements**

The purpose of this amendment is to revise paragraph A(4) of Appendix H of Part 151 of the Federal Aviation Regulations to conform it to recently amended § 5.5(a) (1) (iv) of the regulations of the Secretary of Labor (30 F.R. 13136), effective October 15, 1965.

Appendix H of Part 151 sets forth the contract provision required by the regulations of the Secretary of Labor. Section 151.49(a) requires sponsors to insert this provision in full in each construction contract. Paragraph A(4) of Appendix H pertains to "Fringe Benefit Requirements" and reflects § 5.5(a) (1) (iv) of the regulations of the Secretary of Labor.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it is within the exception in that section relating to public grants, benefits and contracts.

This amendment is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101-1120), and Part 5 of Title 29 of the Code of Federal Regulations. It is adopted by the Director, Airports Service, Federal Aviation Agency, under authority delegated in § 151.49(a) of Part 151 of the Federal Aviation Regulations.

In consideration of the foregoing, paragraph A(4) of Appendix H of Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 11, 1965, to read as follows:

(4) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

Issued in Washington, D.C., on November 3, 1965.

**COLE MORROW,**  
*Director, Airports Service.*

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8:45 a.m.]