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PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the following two positions are no longer excepted under Schedule C: One Special Assistant to the Administrator and one Executive Assistant to the Administrator.

Effective on publication in the FEDERAL REGISTER (8–11–72), subparagraph (7) is revoked and subparagraph (12) is amended under paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(7) [Revoked]

* * * * *

(12) One Executive Assistant to the Administrator.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–12682 Filed 8–10–72;8:50 am]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 35—EXPORT GRAPES AND PLUMS

Minimum Packing and Labeling Requirements

Notice was published in the FEDERAL REGISTER on July 4, 1972 (37 F.R. 13180), regarding a proposed amendment to the regulations (7 CFR Part 35) issued pursuant to the provisions of the Export Grape and Plum Act, as amended (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591–599), and to the authority set forth in section 7, 74 Stat. 734; 7 U.S.C. 597, for carrying out the provisions of said act.

The notice provided a period of 20 days after publication thereof in the FEDERAL REGISTER during which interested persons could file written data, views, or arguments pertaining thereto. Views were filed within the prescribed time by the Barr Packing Co., Sanger, Calif., requesting that an exception be made in the regulations permitting grapes in sawdust packs to be "fairly well colored" instead of "reasonably well colored." The request stated that in some years it is extremely difficult for Emperor variety grapes to meet a grade which contains the "reasonably well colored" requirement because of the occurrence of growing conditions that are not favorable to the development of color. Inasmuch as the "reasonably well colored" requirement is a provision of the U.S. Fancy Export Grade, any change in such requirement would be more appropriately effected by amendment of the grade rather than as an exception to the regulations under the Export Grape and Plum Act. The alternative would be to require that grapes in sawdust packs meet only the requirements of U.S. No. 1 Table instead of the U.S. Fancy Export Grade. However, sawdust packed grapes have a reputation in export channels as a superior pack of grapes. The industry has indicated that it is desirable to continue to maintain such reputation and consistent therewith has recommended that the regulation require Emperor grapes in sawdust packs destined for export to conform with the U.S. Fancy Export Grade. Therefore, in view of the fact that the regulations would permit Emperor grapes which do not meet the "reasonably well colored" requirement to be exported in other than sawdust packs if they meet the requirements of the U.S. No. 1 Table Grade, it is concluded that no exception from the color requirements of U.S. Fancy Export Grade should be made for Emperor grapes for export in sawdust packs.

The amendatory provisions hereinafter set forth are necessary to bring quality requirements effective for Emperor grapes under the Export Grape and Plum Act into conformity with the recent revision of the U.S. Standards for Grades of Table Grapes (European or Vinifera type). The revised standards, among other things, superseded the U.S. Standards for Sawdust Pack Grapes (European or Vinifera type) on May 1, 1972. It is therefore desirable to delete the reference to U.S. No. 1 Sawdust Pack Grape Grade (based on the now obsolete U.S. Standards for Sawdust Pack Grapes) provided in § 35.11(a) of the regulations of the Export Grape and Plum Act. The minimum grade for export shipments of Emperor grapes in sawdust packs specified herein is necessary to prescribe quality and packaging requirements comparable to those in the standard that was terminated on May 1, 1972, with the following two exceptions relative to Emperor grapes: (1) the U.S. Fancy Export Grade requires such grapes to be at least "reasonably well colored" which is a slightly more restrictive color requirement that "fairly well colored" previously required; and (2) maturity requirements are based on the maturity requirement of the State where the grapes are grown. Minor changes in the citations are also necessary in paragraphs (b) and (c) of § 35.11 to conform to the revised standards for table grapes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the views expressed by Barr Packing Co., and other available information, it is hereby found that the amendment of the said regulations as hereinafter set forth is in accordance with the provisions of the act. Accordingly, the provisions of § 35.11 are amended to read as follows:

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of Emperor variety grapes to any foreign destination unless:

(a) Such grapes in sawdust packs meet each applicable minimum requirement of the U.S. Fancy Export Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera type) (§§ 51.880–51.912 of this chapter).

(b) Such grapes in other than sawdust packs meet each applicable minimum requirement of the U.S. No. 1 Table Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera type) (§§ 51.880–51.912 of this chapter).

(c) Each package of such grapes, other than consumer sized packages of 5 pounds or less in master containers, is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety; and (3) the name of the U.S. grade, as "U.S. Fancy Export" or "U.S. No. 1 Table" or higher grade, if the fruit meets each applicable minimum requirement of such grade.

Dated: August 7, 1972, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[FR Doc.72–12690 Filed 8–10–72;8:52 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sec. 831.4, Rev. 1, Supp. 9]

PART 831—BEET SUGAR AREA

1972 Crop; Rates of Recoverability

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.19 is added to read as follows:

§ 831.19 Rates of recoverability, 1972 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugar beets on the 1972 crop shall be computed by multiplying the net weight thereof in tons, at the time of delivery to a processor, by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugar beets marketed within a settlement area under any type of agreement other than "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Sugar companies and settlement areas	1965–71 average sugar content	Rate of commercially recoverable sugar
Amalgamated Sugar Co.:	*Percent*	*Hundredweight*
Idaho district and Elwyhee district	16.23	2.882
Cache, Franklin, and Ogden district	15.41	2.737
Utah-Idaho Sugar Co.:		
Layton, Idaho district	15.78	2.803
American Crystal Sugar Co.:		
Moorhead, Crookston, and East Grand Forks, Minn., and Drayton, N. Dak. factories	15.60	2.771
Buckeye Sugars, Inc.:		
Ottawa, Ohio	14.83	2.634

(b) For sugar beets marketed under "individual test" contracts, other than those sugar beets marketed for processing by the American Crystal Sugar Co. at their Mason City, Iowa, factory, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 84.8 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1696. As an example, a content of 16.37 when multiplied by 0.1696 would result in a rate of commercially recoverable sugar of 2.776 hundredweight.

(c) For sugar beets marketed under "combined individual-cossette test" contracts, including those sugar beets marketed for processing by the American Crystal Sugar Co. at their Mason City, Iowa, factory, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 88.8 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1776. As an example, an adjusted content of 16.37 when multiplied by 0.1776 would result in a rate of commercially recoverable sugar of 2.907 hundredweight. The adjusted percentage of sugar content for each producer shall be obtained by multiplying the weighted average percentage of sugar content of the beets delivered by him by a factor, the numerator of which shall be the appropriate factory cossette test average set forth below and the denominator of which shall be the weighted average sugar content of all beets delivered to the factory at such time as the Agricultural Stabilization and Conservation State Committee determines that at least 97 percent of the current crop of beets has been delivered to such factory.

Sugare companies and settlement areas	*1965–71 average sugar content (Percent)*
Amalgamated Sugar Co.:	
Nyssa-Nampa district	15.20
American Crystal Sugar Co.:	
Mason City, Iowa factory	14.56
Utah-Idaho Sugar Co.:	
Toppenish-Moses Lake district	15.61
Utah area (also includes beets from the Layton-Utah area and the Price-Wellington area)	15.37
Idaho district	15.72

STATEMENT OF BASES AND CONSIDERATIONS

Section 831.4 (7 CFR 831.4) provides the method of determining and establishing amounts of sugar commercially recoverable from sugar beets and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER (8–11–72).

Pursuant to that regulation, this supplement sets forth the rates of recoverability as determined for the 1972 crop. Definitive rates are specified for the various settlement areas wherein sugar beets are marketed under "cossette test" contract. Within these areas, the rates give effect to 1965–71 average percentages of sugar content and the 1966–70 national average extraction rate of beet sugar, raw value, of 88.8 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under "individual test" contracts, this supplement provides that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1696. This factor gives effect to the average rate of extraction of sugar, raw value, of 84.8 percent, as applicable to individual test beets. Listings of the applicable rates (expressed in hundredths) will be available for inspection at county ASCS offices in sugar beet producing counties. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1776 may be used to give effect to the average extraction rate of 88.8 percent. The difference between 88.8 and 84.8 represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets, of the crops of 1966–70 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests because the results of such tests include adjustments to the cossette basis.

The percentages of 88.8 and 84.8 as determined herein for the 1972 crop, compare with the percentages of 89.5 and 85.7 for the 1971 crop.

Beginning with the 1964 crop, the regulations have provided that the 7-year factory cossette test average be substituted for the current year's factory cossette test average in calculating the factor to be applied to individual grower's sugar content for those growers marketing beets under "combined individual-cossette contracts". The average sugar content for each factory shown in paragraph (c) of § 831.19 represents the weighted average of the factory's cossette tests for the crops 1965–71.

The Idaho district of the Utah-Idaho Sugar Co. has been placed under the combined individual-cossette test rates because of a similar change in this contract.

A notice of proposed rule making was not given for this determination as it follows mathematical formulas which make use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data. Public notice is, therefore, unnecessary.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Act.

(Secs. 302, 303, 304, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication (8–11–72).

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

CHARLES M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[FR Doc.72–12596 Filed 8–10–72;8:45 am]

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

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

On July 26, 1972, notice of rule making was published in the FEDERAL REGISTER (37 F.R. 14879) regarding proposed expenses and the related rate of assessment for the period December 1, 1971,

through November 30, 1972, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo. This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1971, through November 30, 1972, will amount to $850.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at $0.02 per cwt. of peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of peaches are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on December 1, 1971, and said rate of assessment will automatically apply to all such peaches beginning with such date.

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

Dated: August 7, 1972.

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

[FR Doc.72–12650 Filed 8–10–72;8:49 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Subpart—Rules and Regulations

EXEMPTIONS GRANTED

Notice was published in the FEDERAL REGISTER issue of July 28, 1972 (37 F.R. 15169), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Parts 930.101 through 930.158; 37 F.R. 273, 13789) hereinafter designated as Subpart—Rules and Regulations, pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, hereinafter referred to collectively as the "order". This is a regulatory program effective under the Agricultural Marketing Agreements Act of 1937, as amended (7 U.S.C. 601–674). The aforesaid amendment to the rules and regulations as proposed by the Cherry Administrative Board, the agency established under said order to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The amendment would establish an exemption from the provision of §§ 930.52 through 930.60 for cherries which are processed into a coloring agent. Such processing of cherries uses less than 5 percent of the preceding year average production of cherries. The authority for granting such exemption is provided in § 930.61.

The cherries which are processed into coloring agents constitute less than 5 percent of the preceding 5 year average, thus such cherries are eligible for exemption under the order. The resulting product (coloring agents) is primarily used in the manufacture of cosmetics and beverages. Such agents are readily identifiable and are not interchangeable with other tart cherry products. The price structure of cherries so used has no relation with that of other tart cherry products.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) cherries are in the process of being acquired and handled and this amendment should be applicable to all such cherries, (2) notice was given of the proposed amendment through publicity in the production area and by publication in the July 28, 1972, issue of the FEDERAL REGISTER, and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order. A new § 930.161 *Exemptions granted* is added, which will read as follows:

§ 930.161 Exemptions granted.

(a) Cherries which are processed into products for use as coloring agents, such as that which is used in the manufacture of cosmetics, are exempt from the provisions of §§ 930.52 through 930.60 as is authorized by § 930.61.

(b) The quantity of such exempted cherries shall be so designated on each handler's current pack report.

Dated, August 7, 1972, to become effective upon publication in the FEDERAL REGISTER (8–11–72).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–12651 Filed 8–10–72;8:49 am]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), was published in the FEDERAL REGISTER July 21, 1972 (37 F.R. 14617).

This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1973, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $116,879.40.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be $0.035 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1973, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1972, and the rate of assessment herein fixed will apply to all assessable onions beginning with such date.

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

Dated: August 8, 1972.

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

[FR Doc.72–12649 Filed 8–10–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–SO–63]

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

Designation of Control Zone and Alteration of Transition Area

On June 27, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 12644), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Rocky Mount, N.C. (Rocky Mount-Wilson Airport) control zone and alter the Rocky Mount, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the following control zone is added:

ROCKY MOUNT, N.C. (ROCKY MOUNT-WILSON AIRPORT)

Within a 5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.); excluding the portion within the Rocky Mount, N.C., control zone. This control zone is effective from 0700 to 2030 hours, local time, daily, Monday through Friday, and 0700 to 2000 hours, local time, Saturday and Sunday.

In § 71.181 (37 F.R. 2143), the Rocky Mount, N.C., transition area (37 F.R. 10661) is amended as follows:

"* * * (lat. 35°58'00" N., long. 77°47'35" W.) * * *" is deleted and "* * * (lat. 35°58'01" N., long. 77° 47'33" W.) * * *" is substituted therefor, and "* * * (lat. 35°51'15" N., long. 77°53'40" W.) * * *" is deleted and "* * * (lat. 35°51'17" N., long. 77°53'34" W.) * * *" is substituted therefor.

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

Issued in East Point, Ga., on August 1, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72–12646 Filed 8–10–72;8:48 am]

[Airspace Docket No. 72–CE–3]

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

Alteration of Transition Area

On page 7810 of the FEDERAL REGISTER dated April 20, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kearney, Nebr.

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 amendemnt 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 Kansas City, Mo., on July 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

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

KEARNEY, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport.

[FR Doc.72–12644 Filed 8–10–72;8:48 am]

[Airspace Docket No. 72–CE–13]

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

Alteration of Transition Area

On page 10744 of the FEDERAL REGISTER dated May 27, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Columbia, Mo.

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 Kansas City, Mo., on July 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

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

COLUMBIA, MO.

That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the E. W. Cotton Woods Memorial Airport (latitude 39°00'15" N., longitude 92°17'45" W.); and within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo., VORTAC 193° radial extending from the 8½-mile-radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the east by V–175, on the north by V–4, on the south by V–234 and on the west by longitude 92°40'00" W., excluding the portions which overlie the Vichy, Mo., and Kaiser, Mo., transition areas.

[FR Doc.72–12642 Filed 8–10–72;8:48 am]

[Airspace Docket No. 72–CE–12]

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

Designation of Transition Area

On page 10744 of the FEDERAL REGISTER dated May 27, 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 Chariton, Iowa.

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 Kansas City, Mo., on July 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

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

CHARITON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chariton Municipal Airport (latitude 41°01'00" N., longitude 93°21'30" W.); and within 3 miles each side of the 352° bearing from the Chariton Municipal Airport extending from the 5-mile-radius area to 8 miles north of the airport.

[FR Doc.72–12643 Filed 8–10–72;8:48 am]

[Airspace Docket No. 71-CE-77]

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

Designation of Transition Area

On page 14028 of the FEDERAL REGISTER dated July 29, 1971, 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 Holdrege, Nebr.

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 Kansas City, Mo., on July 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

HOLDREGE, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brewster Field (latitude 40°27'15" N., longitude 99°20'15" W.); and within 3 miles each side of the 011° bearing from Brewster Field, extending from the 5-mile-radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 011° and 191° bearings from Brewster Field extending from 6 miles south to 18½ miles north of the airport.

[FR Doc.72-12645 Filed 8-10-72;8:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-57]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Modification of Reporting Requirements and Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1972.

In notice of proposed rule making SPDR-27,[1] the Board proposed to amend the "reporting requirements" for depository banks, study group charterers, and tour operators in Parts 373 and 378 of the special regulations [2] so as to require (1) that all monthly reports filed under said parts include a breakdown of reported financial data, with respect to each individual study group and inclusive tour, and (2) that the depository bank's monthly report specifically disclose the balance remaining in each tour operator's and study group charterer's depository account. Pursuant to the notice five comments were filed, consisting of two by study group charterers,[3] and one each by the American City Bank, Inc. (City Bank), the Flight Engineers International Association, Inc. (FEIA), and Saturn Airways, Inc. (Saturn). FEIA supports the proposed rules. AIFS, AIA and City Bank oppose the proposed rules insofar as more detailed reports from depository banks would be required. Saturn requests that the proposed rules be modified so that the breakdown of data to be required in monthly reports filed under Part 378 shall relate only to each inclusive tour charter, instead of to each individual tour.

Upon consideration of the comments, the Board has determined for the reasons set forth hereinafter and in SPDR-27, to adopt the rules as proposed,[4] but with the modification requested by Saturn.

The comments opposing the proposed imposition of detailed reporting requirements on depository banks argue that the imposition on banks of these reporting obligations would be burdensome and duplicative and is not required in order to further the regulatory objectives of the Parts 373 and 378 "reporting requirements." They contend that the maintenance of a separate accounting for each charter flight included in a large scale and overlapping program of study group (or inclusive tour) charters is a laborious process involving the allocation, tracing, and reconstruction of literally thousands of separate transactions, and that in any event such process cannot be performed by depository banks without the full participation of the study group or inclusive tour charterer. Thus, it is sufficient to require the separate accounting report to be filed only by study group (or inclusive tour) charterers, thereby relieving the depository bank of a burdensome obligation and reflecting the fact that the study group (or inclusive tour) charterer is the actual source of most of the information covered by the report.

We find these arguments unpersuasive, and accordingly, will adopt the rule as proposed. Under present regulations,[5] depository banks are supposed to maintain separate ledger accounts reflecting the inflow and disbursement of funds relative to each inclusive tour charter and study group charter, so that banks should encounter no difficulty in constructing monthly reports based on the financial data contained in these separate ledger accounts.[6] Moreover, contrary to the contentions of AIFS, AIA and City Bank, it is not sufficient for the separate accounting report to be submitted by the study group (or inclusive tour) charterer alone, since we wish to be able to reconcile the charterer's figures with the figures submitted by the depository bank. The Board recognizes that for the most part the information contained in the depository bank's report is necessarily based on the financial data it receives from the study group (or inclusive tour) operator—especially the allocation of disbursed funds to specific charter groups or flights. Thus, in receiving matching detailed reports from depository banks and the study group (or inclusive tour) operators, we may not be able to use the bank's data to verify the accuracy of the data furnished by the operator to both the bank and the Board. However, we will at least be able to verify the consistency of the data.

On the other hand, we have determined to withdraw our proposed requirement that all monthly reports filed under Part 378 include a breakdown of financial data by inclusive tour (where more than one tour group is carried on a particular charter flight), and to adopt instead Saturn's proposal that the monthly report need include a breakdown of reported financial data with respect only to each inclusive tour charter. As Saturn points out, preparation of a separate financial report covering each tour group on a particular flight would entail considerable accounting burdens of apportioning the charter price among various tour groups, since many large tour programs are characterized by the carriage of three or four inclusive tour groups. While, from a regulatory standpoint, reporting financial data with respect to each tour group carried on a particular charter flight would be preferable in terms of maintaining surveillance of tour participant deposits, it appears, from the matters presented by Saturn, that it is not practicable to require reporting on this basis. In any event, we think the purpose of the Part 378 "reporting requirements" will be adequately served by requiring the monthly report to cover financial transactions relative only to

[1] Dec. 8, 1971, Docket 24047, 36 F.R. 23634.
[2] 14 CFR 373.17, 378.16a.

[3] The American Institute for Foreign Study, Inc. (AIFS), and the American International Academy, Inc. (AIA).

[4] The amendment to Part 378 is contained in SPR-58, issued contemporaneously herewith.

[5] Paragraph (b)(2)(vii) of §§ 373.15 and 378.16. While in Part 378 this paragraph is cast in terms of maintaining a separate accounting for each "tour," as opposed to the parallel paragraph in Part 373 which speaks in terms of a separate accounting for each study group charter, the slight difference in wording is not intended to result in different requirements. Thus, the bank's reporting obligation under the subject provision of Part 378 extends only to maintaining a separate accounting with respect to each inclusive tour charter, just as the bank's reporting obligation under the parallel provision of Part 373 is only to maintain a separate accounting for each study group charter.

[6] As explained above, the bank is obligated to construct its records as though a separate account were actually maintained for each charter and, perforce, to keep track of and report the balance of funds deposited with respect to each said charter. There is thus no merit in the contention of AIFS that the proposed requirement for depository banks to report the balance remaining in each depository account reflects a misunderstanding of the Board's earlier action in SPR-45, Mar. 31, 1971, wherein it was determined not to require a separate account for each tour. (See SPR-45, Mar. 31, 1971.)

each inclusive tour charter, just as in Part 373 we are requiring such reports relative to each study group charter, rather than each study group.

Finally, we have included an editorial amendment to paragraph (a) of § 373.15 (and to the parallel paragraph (a) of § 378.16). This amendment will simply make it clear that where the study group charterer (or inclusive tour) operator elects to file as security a surety bond only, the filed bond may cover the charter price for the air transportation furnished in connection with a series of study groups (or inclusive tours) as well as a single study group (or inclusive tour).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 373 of the Special Regulations (14 CFR Part 373) effective September 11, 1972, as follows:

1. Amend paragraph (a) of § 373.15, the paragraph as amended to read as follows:

§ 373.15 Surety bond.

(a) Except as provided in paragraph (b) of this section, the study group charterer shall furnish a surety bond in an amount of not less than three times the charter price for the air transportation to be furnished in connection with the study group charter or series of study group charters: *Provided, however,* That the liability of the surety to any student participant shall not exceed the study group charter price.

* * * * *

2. Amend § 373.17, the section as amended to read as follows:

§ 373.17 Reporting requirements.

If a study group charterer relies upon the bond-depository option of § 373.15(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) by the depository bank, showing separately for each study group charter, identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (2) by the study group charterer, showing separately for each study group charter, identified by departure date, the total amount of customer deposits received by him or his agents and the amount of refunds made by the study group charterer or the bank to student participants: *Provided,* That the depository bank may, in lieu of (1) above, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in (1) above. When so elected, the reporting period for the study group charterer in (2) above shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 373.15. The reports shall be certified by the officer in charge of the bank's or the study group charterer's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____
(Full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or study group charterer's post office address)

Date _____, 19__.

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false of fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(Secs. 204(a), 407, 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc. 72-12698 Filed 8-10-72;8:53 am]

[Reg. SPR-58]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Modification of Reporting Requirements and Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of June 1972.

In notice of proposed rule making SPDR-27,[1] the Board proposed to amend the "reporting requirements" for depository banks, study group charterers and tour operators in Parts 373 and 378 of the special regulations[2] so as to require (1) that all monthly reports filed under said parts include a breakdown of reported financial data, with respect to each individual study group and inclusive tour, and (2) that the depository bank's monthly report specfically disclose the balance remaining in each tour operator's and study group charterer's depository account. For the reasons set forth in SPR-57, issued contemporaneously herewith, the Board has determined to adopt the proposed amendments to Parts 373 and 378 with one modification: the monthly report filed by the depository bank and the tour operator shall include a breakdown of financial statistics with respect only to each exclusive tour charter, instead of each inclusive tour. Also for the reasons set forth in SPR-57, we are making an editorial amendment to paragraph (a) of § 378.16 (which is paralleled to paragraph (a) of § 373.15), so as to make it clear that where the tour operator elects to file as security a surety bond only, the filed bond may cover the charter price for the air transportation furnished in connection with a series of tours, as well as a single tour.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of the special regulations (14 CFR Part 378) effective September 11, 1972, as follows:

§ 378.16 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour or series of tours: (1) For a tour or series of tours of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour or series of tours; (2) for a tour or series of tours of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour or series of tours of 4 weeks or more, and a bond in an amount of not less than three times the charter price: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

* * * * *

2. Amend § 378.16a, the section as amended to read as follows:

§ 378.16a Reporting requirements.

If a tour operator or foreign tour operator relies upon the bond-depository option of § 378.16(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) by the depository bank, showing separately for each inclusive tour charter, identified by departure date, the total amount of deposits received and disbursed during the reporting period and the balance in the depository account at the end of the reporting period; and (2) by the tour operator or foreign tour operator, showing separately for each inclusive tour charter, identified by departure date, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, and the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided,* That the depository bank may,

[1] Dec. 8, 1971, Docket 24047, 36 F.R. 23634.
[2] 14 CFR 373.17, 378.16a.

in lieu of (1) above, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in (1) above. When so elected, the reporting period for the tour operator or foreign tour operator in (2) above shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____
(Full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or tour operator's or foreign tour operator's post office address)

Date _____, 19__.

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(Secs. 204(a), 407, 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.72-12699 Filed 8-10-72;8:53 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 650—STANDARD FOR APPEALS PROMPTNESS — UNEMPLOYMENT COMPENSATION

The Secretary's standard for appeals promptness sets forth his construction of sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)) requiring, as a condition for receipt of granted funds, that State laws include provision for hearing and deciding appeals of all unemployment compensation claimants who are parties to an administrative benefit appeal with the greatest promptness that is administratively feasible. The standard sets forth also the Secretary's construction of section 303(b)(2) of the Social Security Act (42 U.S.C. 503(b)(2), requiring States to comply substantially with the required provision of State law and the criteria he will apply in determining such substantial compliance with respect to first level benefit appeal decisions.

The standard, which will appear in the Employment Security Manual, Part V, sections 8800-8820, is also incorporated in a new Part 650 of Title 20, Code of Federal Regulations, reading as set forth below.

The standard shall be effective upon publication in the FEDERAL REGISTER (8-11-72).

The new Part 650 reads as follows:

Sec.
650.1 Nature and purpose of the standard.
650.2 Federal law requirements.
650.3 Secretary's interpretation of Federal law requirements.
650.4 Review of State law and criteria for review of State compliance.
650.5. Immediate plan of action and annual appeals performance plan.

AUTHORITY: The provisions of this Part 650 issued as constructions of sections 303(a)(1), 303(a)(3), and 303(b)(2) of the Social Security Act, 42 U.S.C. 503(a)(1), 503(a)(3), and 503(b)(2); Secretary's Order No. 20-71 dated August 13, 1971.

§ 650.1 Nature and purpose of the standard.

(a) This standard is responsive to the overriding concern of the U.S. Supreme Court in California Department of Human Resources v. Java, 402 U.S. 121 (1971), and that of other courts with delay in payment of unemployment compensation to eligible individuals, including delays caused specifically by the adjudication process. The standard seeks to assure that all administrative appeals affecting benefit rights are heard and decided with the greatest promptness that is administratively feasible.

(b) Sections 303(a)(1) and (3) of the Social Security Act require, as a condition for the receipt of granted funds, that State laws include provisions for methods of administration reasonably calculated to insure full payment of unemployment compensation when due, and opportunity for a fair hearing for all individuals whose claims for unemployment compensation are denied. The Secretary has construed these provisions to require, as a condition for receipt of granted funds, that State laws include provisions for hearing and deciding appeals for all unemployment insurance claimants who are parties to an administrative benefit appeal with the greatest promptness that is administratively feasible. What is the greatest promptness that is administratively feasible in an individual case depends on the facts and circumstances of that case. For example, the greatest promptness that is administratively feasible will be longer in cases that involve interstate appeals, complex issues of fact or law, reasonable requests by parties for continuances or rescheduling of hearings or other unforeseen and uncontrollable factors than it will be for other cases.

(c) In addition, the Secretary has construed section 303(b)(2) of the Social Security Act as requiring States to comply substantially with the required provisions of State law. The Secretary considers as substantial compliance the issuance of minimum percentages of first level benefit appeal decisions within the periods of time specified in § 650.4.

(d) Although the interpretation of Federal law requirements in § 650.3 below applies to both first and second level administrative benefit appeals, the criteria for review of State compliance in § 650.3(b) apply only to first level benefit appeals.

§ 650.2 Federal law requirements.

(a) Section 303(a)(1) of the Social Security Act requires that a State law include provision for:

> Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

(b) Section 303(a)(3) of the Social Security Act requires that a State law include provision for:

> Opportunity for a fair hearing, before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied.

(c) Section 303(b)(2) of the Social Security Act provides that:

> Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—
> (1) * * *
> (2) A failure to comply substantially with any provision specified in subsection (a) [303(a)]; the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such denial or failure to comply. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *

§ 650.3 Secretary's interpretation of Federal law requirements.

(a) The Secretary interprets sections 303(a)(1) and 303(a)(3) above to require that a State law include provision for—

(1) Hearing and decision for claimants who are parties to an appeal from a benefit determination to an administrative tribunal with the greatest promptness that is administratively feasible, and

(2) Such methods of administration of the appeals process as will reasonably assure hearing and decision with the greatest promptness that is administratively feasible.

(b) The Secretary inteprets section 303(b)(2) above to require a State to comply substantially with provisions specified in paragraph (a) of this section.

§ 650.4 Review of State law and criteria for review of State compliance.

(a) A State law will satisfy the requirements of § 650.3(a) if after calendar year 1973 it contains a provision requiring, or is construed to require, hearing and decision for claimants who are parties to an administrative appeal affecting benefit rights with the greatest promptness that is administratively feasible.

(b) A State will be deemed to comply substantially with the State law requirements set forth in § 650.3(a) with respect to first level appeals, if for the calendar year 1975 and ensuing years, the State has issued at least 75 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and at least 85 percent of all first level benefit appeal decisions within 45 days. These computations will be derived from the State's regular reports required pursuant to the Employment Security Manual, Part III, Sections 4400–4450.[1]

(c) To afford the States a reasonable opportunity to make the changes necessary to meet these criteria, the Secretary will not evaluate substantial compliance until calendar year 1974 and for that year he will apply less stringent criteria than for future years. A State law will be deemed to comply substantially with the State law promptness requirement for calendar year 1974 if the State has issued at least 50 percent of all first level benefit appeal decisions within 30 days of the date of appeal; at least 75 percent of its first level benefit appeal decisions within 45 days; and at least 90 percent of its first level benefit appeal decisions within 75 days. These computations also will be derived from the aforementioned reports required pursuant to the Employment Security Manual.

§ 650.5 Immediate plan of action and annual appeals performance plan.

(a) Every State that has not for fiscal year 1972 issued at least 50 percent of its first level benefit appeal decisions within 30 days of the date of appeal, 75 percent within 45 days, and 90 percent within 75 days, shall submit, no later than December 31, 1972, a plan of action showing how it will operate so as to meet these criteria beginning with the last quarter of calendar year 1973.

(b) No later than December 15, 1974, and the 15th of December of each ensuing year, each State shall submit an appeals performance plan showing how it will operate during the following calendar year so as to achieve or maintain the issuance of at least 75 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and 85 percent within 45 days.

Signed at Washington, D.C., this 7th day of August 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.72-12676 Filed 8-10-72;8:52 am]

[1] The Employment Security Manual is available at each regional office of the Department of Labor and at the headquarters' office of each State employment security agency.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Chemical, Physical, and Biological Methods of Analysis

In the enforcement of the Federal Food, Drug, and Cosmetic Act and other statutes, the Commissioner of Food and Drugs often must rely upon the results obtained by chemical, physical, and biological methods of analysis to demonstrate compliance or noncompliance with the statute and regulations. The methods of analysis used for this purpose may be implicit in the statute as in the case of the United States Pharmacopeia, National Formulary, and the Homeopathic Pharmacopeia, or specified in an approved new-drug application or supplied in a food or color additive petition. They may be promulgated in detail as in the case of the antibiotic regulations. In other cases they may be incorporated by reference as with pesticide residue methods and many food standards.

Where methods are not specified, as in the case of the general adulteration and misbranding sections of the act, for example, it is essential that regulatory agencies use standardized, reliable methods of analysis with demonstrated accuracy and reproducibility. Since even before the passage of the original Food and Drug Act of 1906, regulatory agencies developed a mechanism of choosing, validating, and publishing approved and standardized methods of analysis through the Association of Official Analytical Chemists (AOAC). The mechanism, designated as a collaborative study, requires the demonstration of reliability of a method by a number of different laboratories analyzing a number of unknown (to the laboratory) samples. Although the final decision on approval of methods by the AOAC is restricted to government scientists, Federal and State, all scientists may participate in the collaborative studies and supply comments and discussion on the performance of the methods.

The Freedom of Information Act requires the Government to provide as much information as possible regarding its activities. The Commissioner, therefore, wishes to indicate formally by a statement of policy and interpretation what has been the informal practice in the past—that unless otherwise indicated by the statute or regulation, the Food and Drug Administration will utilize the methods of analysis of the AOAC in its enforcement programs. Where such methods do not exist, or if there is a question regarding applicability, the Commissioner, on request, will indicate the methods that will be employed for enforcement purposes. It is important to recognize that use of an AOAC method does not relieve the practitioner of responsibility to demonstrate that he can perform the method properly through use of positive and negative controls and recovery and reproducibility studies.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701(a) and 707, 52 Stat. 1055 and 57 Stat. 500; 21 U.S.C. 371(a), 377) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by adding a new section to Subpart A, as follows:

§ 3.89 Methods of analysis.

Where the method of analysis is not prescribed in a regulation, it is the policy of the Food and Drug Administration in its enforcement programs to utilize the methods of analysis of the Association of Official Analytical Chemists (AOAC) as published in the latest edition of their publication, "Official Methods of Analysis of the Association of Official Analytical Chemists," and the supplements thereto ("Changes in Methods" as published in the March issues of the "Journal of the Association of Official Analytical Chemists"), when available and applicable. Upon request, the Commissioner will furnish advice as to the availability and applicability of an AOAC method with respect to the enforcement of any specific regulation or statutory requirement. In the absence of an AOAC method, the Commissioner will furnish a copy of the particular method, or a reference to the published method, that the Food and Drug Administration will use in its enforcement program. Other methods may be used for quality control, specifications, contracts, surveys, and similar nonregulatory functions, but it is expected that they will be calibrated in terms of the method which the Food and Drug Administration uses in its enforcement program. Use of an AOAC method does not relieve the practitioner of the responsibility to demonstrate that he can perform the method properly through the use of positive and negative controls and recovery and reproducibility studies.

Since this order merely formalizes and codifies a practice already in effect and is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-11-72).

Dated: August 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 72-12610 Filed 8-10-72;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water; Order Amending Standard of Identity

In the matter of amending the standard of identity for soda water (21 CFR 31.1) to provide for the use of edible vegetable oils as optional ingredients in clouding agents and as carriers for flavoring ingredients used in soda water.

A notice of proposed rule making in the above identified matter was published in the FEDERAL REGISTER of February 18, 1972 (37 F.R. 3644), based upon a petition submitted by Aromatics International Manufacturing Co., Inc., Atlanta, Ga. 30331. The vegetable oils are incorporated in a formulation consisting of a number of other ingredients already permitted for use in the subject section, to serve as a cloud producing agent.

No comments were received in response to the invitation to comment on the proposal. On the basis of information submitted by the petitioner and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for soda water under § 31.1 of Title 21 to provide for the use of edible vegetable oils as optional ingredients.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 31.1(b)(2), (6)(i), (ii), and (iii) of Part 31 be amended as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2) One or more of the following flavoring ingredients may be added, in a carrier consisting of ethyl alcohol, glycerin, propylene glycol, or edible vegetable oils.

* * * * *

(6)(i) * * *

(ii) One or more edible vegetable oils as optional ingredients in cloud producing agents.

(iii) When one or more of the optional ingredients in subdivisions (i) and (ii) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

Date: August 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12611 Filed 8-10-72;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2714) filed by W. R. Grace & Co., Dewey and Almy Chemicals Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of urea as a component of resinous and polymeric coatings for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxii) is amended by alphabetically adding to the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxii) *Side seam cements.* * * *

* * * * *

Urea

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12612 Filed 8-10-72;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2722) filed by Lubrizol Corp., Post Office Box 3057, Cleveland, Ohio 44117, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of the reaction product of N-(1,1-dimethyl-3-oxobutyl) acrylamide and formaldehyde as a component of polyvinyl acetate latex coatings for paper and paperboard intended for use in contact with food.

Therefore, pursuant to provision of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Hydroxymethyl derivatives (mixture of mono and poly) of [N-(1,1-dimethyl-3-oxobutyl) acrylamide] produced by reacting 1 mole of the [N-(1,1-dimethyl-3-oxobutyl) acrylamide] with 3 moles of formaldehyde such that the finished product has a maximum nitrogen content of 6.2 percent and a maximum hydroxyl content of 15 percent by weight on a dry basis.	For use only as a comonomer in polyvinyl acetate latex coatings and limited to use at a level not to exceed 1 percent by weight of dry polymer solids.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–12613 Filed 8–10–72;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Foods and Drugs, having evaluated the data in a petition (FAP 1H2646) filed by Buckman Laboratories Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of 2-Bromo-4'-hydroxyacetophenone as a preservative in paper coating formulations, binders, pigment slurries, and sizing solutions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526 is amended in paragraph (b)(2) by alphabetically adding a new item to the list of substances, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
2-Bromo-4'-hydroxyacetophenone.	For use only as a preservative for coating formulations, binders, pigment slurries, and sizing solutions at a level not to exceed 0.006 percent by weight of the coating, solution, slurry or emulsion.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–12614 Filed 8–10–72;8:46 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

CHANGE IN SPONSOR ADDRESS

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 135 is amended in § 135.501(c) by revising the name and address for Code No. 033 as follows to reflect the current mailing address of the sponsor:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
033	Shell Chemical Co., a division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Road, San Ramon, CA 94583.
* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–11–72).

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

Dated: August 1, 1972.

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

[FR Doc.72–12598 Filed 8–10–72;8:45 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Fluocinolone Acetonide, Neomycin Sulfate Cream, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15–151V) filed by Syntex Laboratories, Inc., Palo Alto, Calif. 94304 providing for the safe and effective use of fluocinolone acetonide, neomycin sulfate cream, veterinary for the treatment of dogs and cats. 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 135a is amended by adding the following new section.

§ 135a.33 Fluocinolone acetonide, neomycin sulfate cream, veterinary.

(a) *Specifications.* The drug contains 0.025 percent fluocinolone acetonide and 0.5 percent neomycin sulfate (0.35 percent neomycin base).

(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in the relief of pruritis and inflammation associated with superficial acute and chronic dermatoses in dogs. It is used in the treatment of such conditions as allergic and acute moist dermatoses and nonspecific dermatoses in dogs. It is used in the treatment of wound infections in dogs and cats.

(2) A small amount is applied to the infected area two or three times daily.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–11–72).

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

Dated: August 3, 1972.

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

[FR Doc.72–12616 Filed 8–10–72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7199]

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

Industrial Development Bonds; Correction

On August 3, 1972, T.D. 7199 was published in the FEDERAL REGISTER (37 F.R. 15485). The corrections listed below are made to the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7199:

(1) In § 1.103–7(b)(2) (page 15486) delete the sentence beginning on line 10 and insert the following sentence:

For purposes of this subparagraph, the term "governmental unit" also includes the United States of America (or an agency or instrumentality of the United States of America), but only in the case of obligations (i) issued on or before August 3, 1972, or (ii) issued after August 3, 1972, with respect to which a bond resolution or any other official action was taken and in reliance on such action either (*a*) construction of such facility to be financed with such obligations commenced or (*b*) a binding contract was entered into, or an irrevocable bid was submitted, prior to August 3, 1972, or (iii) issued after August 3, 1972, with respect to a program approved by Congress prior to such date but only if (*a*) a portion of such program has been financed by obligations issued prior to such date, to which section 103(a) applied pursuant to a ruling issued by the Commissioner or his delegate prior to such date and (*b*) construction of one or more facilities comprising a part of such program commenced prior to such date.

(2) In § 1.103–7(b)(5), line 8 (page 15487), delete the comma after the word "acquired".

(3) In § 1.103–8(a)(5)(ii), line 7 (page 15490), the language "some other similar" should be changed to read "any other".

(4) In § 1.103–8(a)(5)(iii), line 7 (page 15490), the word "by" should be inserted between the word "adopted" and the comma, and the language "some other similar" should be changed to read "any other".

(5) Delete § 1.103–8(a)(5)(iv) on page 15490 and insert a new subdivision (iv) to read as follows:

(iv) If the original use of a facility commences prior to the date of issue of the obligations issued to provide such facility, the facility is described in this subdivision if no nonexempt person or a related person (as defined in section 103(c)(6)(C) and paragraph (e) of § 1.103–10)—

(*a*) Who was a substantial user (within the meaning of § 1.103–11) of such facility at any time during the 5-year period preceding the date of issue of such obligations (determined, however, without regard to any use by any person prior to the date the entire facility was placed in service (within the meaning of subdivision (ii) of this subparagraph)), and

(*b*) Who receives, directly or indirectly, proceeds of the issue of obligations in question in an amount equal to 5 percent or more of the face amount of the issue (in payment for his interest in such facility)

will be a substantial user of such facility at any time during the 5-year period following such date of issue. Temporary construction or other financing of a facility prior to the issuance of State or local governmental obligations to provide such facility will not cause such facility to be one which is not described in this subdivision.

(6) In § 1.103–8(d)(1), line 5 (page 15491), delete the language reading "a State, etc., governmental unit", and insert the following: "a State or local governmental unit".

(7) In § 1.103–8(f)(2)(ii)(*f*), line 5 (page 15492), the word "or" should be changed to read "of".

(8) In § 1.103–8(f)(2)(ii)(*f*), line 6 (page 15492), the word "facilities" should be changed to read "facility".

(9) In § 1.103–8(g)(2) (page 15493), immediately after subdivision (iii) begin a new subdivision (iv) as follows:

"(iv) In the case of property to be".

Such subdivision (iv) shall continue with the language beginning at the top of column 2 of page 15493.

(10) In § 1.103–10(b)(2)(iv)(*e*), lines 9 and 10 of subdivision (*e*) (page 15496), delete the language reading "In the case of obligations issued", and insert "With respect to expenditures incurred".

(11) In example (4) of § 1.103–11(c), line 35 (page 15499), delete the following sentence: "For the terminal, at locations specified by C.".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.72–12757 Filed 8–10–72;8:56 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 520—EMPLOYMENT OF STUDENT LEARNERS

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Extension of Work Experience and Career Exploration Programs in States Where Such Programs Have Been Approved

On May 18, 1972, a proposal was published in the FEDERAL REGISTER at page 10003 to amend Parts 520 and 570 of Title 29 of the Code of Federal Regulations to extend the work experience and career explorations programs, scheduled to terminate August 31, 1972, for another year in those States now having such programs in operation.

Interested parties were given 30 days in which to submit written data, views, or arguments regarding the proposal. The time for filing comments has expired. After consideration of all relevant matter presented, the proposed amendments are hereby adopted without change, and are set forth below.

These revisions shall become effective upon publication in the FEDERAL REGISTER (8–11–72).

Signed at Washington, D.C., this 8th day of August 1972.

HORACE E. MENASCO,
Deputy Assistant Secretary for Employment Standards and Administrator of the Wage and Hour Division.

1. Paragraph (b) of § 520.12 is revised to read as follows:

§ 520.12 Work experience and career exploration programs.

* * * * *

(b) This section shall terminate and have no force and effect after August 31, 1973.

2. Paragraph (e) of § 570.35a is revised to read as follows:

§ 570.35a Work experience and career exploraiotn programs.

* * * * *

(e) This section shall terminate and have no force and effect after August 31, 1972, except that States operating approved work experience and career exploration programs may continue to operate programs in their States until August 31, 1973.

[FR Doc.72–12652 Filed 8–10–72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 F.R. 10842), the Administrator approved certain portions of the implementation plan submitted by the State of Massachusetts for attainment and maintenance of national ambient air quality standards in accordance with the Clean Air Act, as amended (42 U.S.C. 1857 et seq.). On June 19, 1972, revisions to the approved plan in the form of variances were submitted to the Administrator by the State after notice and public hearing. The variances modify the control strategy for sulfur oxides

as it relates to the sources identified below.

The Administrator has determined that the revisions are consistent with the requirements of the Clean Air Act and 40 CFR Part 51 and the revisions are approved. A copy of the implementation plan, as revised, is available for public inspection at the Environmental Protection Agency, 401 M Street SW., Washington, DC, at the Agency's Regional Office, John F. Kennedy Building, Boston, Mass., and at the Masschusetts Department of Public Health, Division of Environmental Health, 600 Washington Street, Room 320, Boston, MA.

This regulation is effective on the date of its publication in the FEDERAL REGISTER (8–11–72). The Agency finds that good cause exists for not publishing the regulation as a notice of proposed rule making and for making it effective immediately upon publication, for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comment, and consequently further public participation is unnecessary.

2. Immediate effectiveness of the approval enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the approval may do so without delay.

(42 U.S.C. 1857c–5)

Dated: August 7, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Section 52.1125 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding paragraph (b), which reads as follows:

§ 52.1125 Compliance Schedules.

* * * * *

(b) The Administrator has approved the variances, exceptions, and compliance schedules identified below, applicable to the sources identified below. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date issued by State or local agency
Pepperell Paper Co.	Pepperell	5.1.2	June 13, 1972
Haverhill Paper Board Co.	Haverhill	5.1.2	June 13, 1972

[FR Doc.72–12692 Filed 8–10–72;8:53 am]

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Coordination Product of Zinc Ion and Maneb

A petition (PP 2F 1258) was filed by Rohm and Haas Co., Independence Mall W., Philadelphia, Pa. 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that the established tolerances (40 CFR Part 180) for residues of the fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zineb (zinc ethylenebisdithiocarbamate)) be reduced in or on the raw agricultural commodities apples to 7 parts per million; celery and corn fodder and forage to 5 parts per million; summer squash, cucumbers, melons with no residue present in the edible portion after the peel is removed and discarded, and tomatoes to 4 parts per million; bananas, preharvest use only, to 4 parts per million of which not more than 0.5 part per million shall be in the pulp after peel is removed and discarded; and corn grain to 0.1 part per million.

Subsequently, the petitioner amended the petition by deleting the requirement that no residue be present in the edible portion of melons after the peel is removed and discarded.

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

1. The pesticide is useful for the purpose for which the reduced tolerances are being established.

2. The reduced tolerances established by this order will better protect the public health than the tolerances they are replacing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.176 *coordination product of zinc ion and maneb; tolerance for residues,* is amended:

(1) By deleting the following paragraphs and words:

a. "15 parts per million in or on bananas * * *."

b. "15 parts per million in or on fodder * * *."

c. "Apples" and "celery" from the paragraph "10 parts per million in or on apples * * *."

d. "Cucumbers," "summer squash," "tomatoes" from the paragraph "7 parts per million in or on cranberries * * *."

e. "7 parts per million in or on melons * * *."

f. "Corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husks removed)" from the paragraph "0.5 part per million * * *."

(2) By revising the two paragraphs "7 parts per million in or on cranberries * * *" and "5 parts per million in or on the grains * * *" and by adding the following new paragraphs:

7 parts per million in or on apples, cranberries, and grapes.

5 parts per million in or on celery; corn fodder and forage; and the grains of barley, oats, rye, and wheat.

4 parts per million in or on bananas, preharvest use only, of which not more than 0.5 part per million shall be in the pulp after peel is removed and discarded.

4 parts per million in or on cucumbers, melons, summer squash, and tomatoes.

* * * * *

0.1 part per million in or on corn grain.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: August 3, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–12693 Filed 8–10–72;8:53 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5245]

[New Mexico 034478]

NEW MEXICO

Withdrawal for Navajo Indian Irrigation Project

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

Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use by the Bureau of Indian Affairs for the construction, operation, and maintenance of the Navajo Indian Irrigation project, phase I, authorized by the Act of June 13, 1962, 76 Stat. 96, as amended by the Act of September 25, 1970, 84 Stat. 867:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 11 W.,
Sec. 30, lots 2, 3, 4, NE¼, SE¼NW¼, E½ SW¼, N½SE¼, and SW¼SE¼.
T. 26 N., R. 12 W.,
Sec. 2, lots 1, 2, S½NE¼, E½SE¼.
T. 27 N., R. 12 W.,
Sec. 1, lots 3, 4, S½NW¼, NW¼SW¼, S½ SW¼;
Sec. 2;
Sec. 3, lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼ SW¼, SE¼;
Sec. 5, lots 1, 2, S½NE¼, NE¼SE¼, S½ SE¼;
Sec. 8, E½ and E½W½;
Sec. 11;
Sec. 17, NE¼, E½NW¼, E½SE¼;
Sec. 21, E½;
Sec. 22;
Sec. 26, S½;
Sec. 27, N½, E½SW¼, SE¼;
Sec. 28, N½NE¼;
Sec. 34, NE¼NE¼, NE¼SE¼;
Sec. 35, W½.
T. 28 N., R. 12 W.,
Sec. 13, SW¼SW¼;
Sec. 14, NE¼SW¼, NW¼SE¼, S½S½;
Sec. 21, S½NW¼, SE¼;
Sec. 22, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 23, E½, N½NW¼, SE¼NW¼, S½ SW¼;
Sec. 24, W½NW¼, SW¼, SW¼SE¼;
Secs. 25, 26, 27 and 28;
Sec. 29, SE¼NE¼, E½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, SE¼;
Secs. 33, 34 and 35;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.

The areas described aggregate 13,277.03 acres in San Juan County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 7, 1972.

[FR Doc.72-12671 Filed 8-10-72;8:51 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-135R]

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING EQUIPMENT

SUBCHAPTER H—PASSENGER VESSELS

PART 75—LIFESAVING EQUIPMENT

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 94—LIFESAVING EQUIPMENT

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 192—LIFESAVING EQUIPMENT

These amendments change the present lifesaving equipment regulations for line-throwing appliances to allow the use of synthetic auxiliary lines that meet certain standards of strength and ultraviolet protection.

These amendments are based on a notice of proposed rule making which appeared in the FEDERAL REGISTER on March 2, 1972. The text of the amendments appeared as Item I in the Marine Safety Council Hearing Agenda for the March 27, 1972, public hearing.

The Coast Guard invited interested persons to submit comments on these amendments by April 3, 1972. It also invited public participation at the public hearing. No comments were received.

Accordingly, in Parts 33, 75, 94, and 192 of Title 46 of the Code of Federal Regulations, the text of § 33.55–10 (a) and (b), and the test of §§ 75.45–15, 94–45–15, and 192.45–15 is revised. The headings of all these sections remain the same. As amended and revised the text reads as follows:

(a) The following equipment must be carried for each impulse-projected, rocket-type-line-throwing appliance required by this subpart. The equipment must be stowed with the appliance in a case or box, except for the service lines and the auxiliary line, which may be stowed in an accessible location nearby:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four service lines that—

(i) Are fabricated of the material specified in the approval of the appliance carried;

(ii) Have a length not less than that specified in the approval of the appliance carried;

(iii) Have a diameter from 7/32 to 9/32 inch;

(iv) Have a breaking strength of at least 500 pounds; and

(v) Are to be kept in a faking box or reel.

(3) Four prime ejector cartridges.

(4) One cleaning brush, one can of oil, and 12 wiping patches.

(5) One set of instructions from the manufacturer.

(6) One auxiliary line that is fabricated of—

(i) Manila and is at least 1,500 feet long and 3 inches or more in circumference; or

(ii) A synthetic material and is at least 1,500 feet long and is certified by the manufacturer to have a breaking strength of at least 9,000 pounds and inhibited to resist the effects of ultraviolet rays.

(b) The following equipment must be carried for each shoulder gun type, line-throwing appliance required by this subpart. The equipment must be stowed with the appliance in a box or case, except for the service lines and the auxiliary line which may be stowed in an accessible location nearby:

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines to be kept in faking boxes or on reels and to be fabricated of—

(i) Flax or cotton, not less than 400 feet long, 3/8 inch or more in circumference, and having a breaking strength of not less than 250 pounds; or

(ii) Very flexible woven or braided synthetic material, not less than 600 feet long 1/16 inch or more in diameter, having a breaking strength of not less than 140 pounds and inhibited to resist the effects of ultraviolet rays.

(4) One cleaning rod with brush, one can of oil, and 12 wiping patches.

(5) One set of instructions from the manufacturer.

(6) One auxiliary line that is made of either—

(i) Manila and is at least 500 feet long and 3 inches or more in circumference; or

(ii) A synthetic material and is at least 500 feet long, and is certified by the manufacturer to have a minimum breaking strength of 9,000 pounds and inhibited to resist the effects of ultraviolet rays.

(R.S. 4405, as amended, R.S. 4462, as amended, R.S. 4417a, as amended; sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 391a, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b))

These amendments are effective on November 20, 1972.

Dated: July 27, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-12680 Filed 8-10-72;8:54 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18261; FCC 72-668]

AVAILABILITY OF LAND MOBILE CHANNELS IN URBAN AREAS

Third report and order. In the matter of amendment of Parts 21, 89, 91, and 93 of the rules to reflect the availability of land mobile channels in the 470–512 MHz band in the 10 largest urbanized areas of the United States, Docket No. 18261.

1. On January 7, 1972, the Commission released a Second Further notice of proposed rule making (FCC 72–7) in the above-captioned matter proposing the application of power/height curves which would permit the operation of land mobile radio base stations in the 470–512 MHz band with antenna heights above average terrain greater than 500 feet. The notice was duly published in the FEDERAL REGISTER on January 15, 1972 (37 F.R. 676). Comments were requested by Februray 23, 1972, and reply comments by March 3, 1972. The date for reply comments was subsequently extended to March 17, 1972. A list of organizations submitting comments and reply comments is included as Appendix A below.

2. The purpose of our proposal was to provide added flexibility to land mobile station licenses in the 470–512 MHz band in the selection of antenna sites but without compromising the criteria we have established in the First Report and Order for sharing UHF-television channels 14 through 20 between land mobile and television stations. The need for antenna heights in excess of 500 feet above average terrain, as stated in the Second Further Notice, relates to the availability of suitable sites, especially in the larger cities, as well as to coverage. In many

large cities, it is necessary to install antennas atop the taller buildings in order to obtain adequate coverage. The 500-foot limitation we initially established severely restricts the number of sites that may be used. In some other cities, such as San Francisco, Calif., and Pittsburgh, Pa., many available sites may not be usable because the ground elevation exceeds the 500-foot maximum. All of the comments supported the objectives of this proceeding and, in general, our specific proposals. Some comments raised matters which are beyond the scope of this proceeding, while others raised issues with respect to our specific proposals which are dealt with below.

3. In its comments, AMST maintains that the R–6602 curves (from which the curves appended to the Second Further Notice were derived) underestimate the field strength at critical distances from high transmitting antennas and that radio stations operated in accordance with the proposed rules would produce interference fields far in excess of those presently permitted. In support of this argument, AMST refers to four data points in Figure 28 of R–6602 which are 15 to 25 DB above the 2,000-foot antenna elevation curve.

4. Although we agree with AMST that four data points were above the 2,000-foot antenna elevation curve, we do not agree with its interpretation of the significance of these data points. As was pointed out in the proceedings in Docket 16004, a large volume of data was used in deriving the R–6602 propagation curves. Distance, transmitting antenna height, time fading, and frequency were all taken into account. Individual data points were widely scattered, some falling above the curves and some below, because of measurement or processing deviations, unusual atmospheric or terrain conditions, etc. All, however, were taken into account in drawing the final R–6602 curves and a few isolated data points cannot be used to question seriously the usefulness of the curves. We must, therefore, reject AMST's suggestion that the proposed curves be discarded in favor of a single, more conservative curve, such as the DPLMRS power/height curve in Part 21 of the FCC rules.

5. AMST also voiced concern that the Commission, by not providing for power reduction at distances in excess of 162 miles from the assumed Grade B contour of cochannel television station, might permit land mobile stations at distances greater than 162 miles with antennas higher than 500 feet without comparable power reduction. This was not our intention. The land mobile user at any distance greater than 162 miles must employ power, reduced according to transmitter site elevation, in the same manner as the user at a site nearer than 162 miles (or 130 miles where 40 DB protection ratio applies). The users at distances greater than 162 miles must employ power no greater than that permitted at 162 miles. Likewise, a user at New York, Cleveland, or Detroit where 40 DB protection is accorded certain facilities must employ power no greater than that permitted at 130 miles.

6. AMST indicated too that we should have included curves for land mobile base station power reduction related to the established adjacent channel-sharing criteria. Such curves, in our view, are not needed. Present rules prohibit land mobile base stations being located closer than 90 miles from any television station in an adjacent channel, or closer than 35 miles from that television station's assumed Grade B contour. This separation is sufficient to meet our adjacent channel-sharing criteria even in situations where the land mobile base stations operate with antenna height and power greater than those here contemplated. Thus, for example, a land mobile base station with 1 kilowatt power, transmitting from a 3,000-foot antenna (not permissible, of course, under the rules adopted herein) would generate a field strength of 64 dbu on an adjacent channel at 27 miles. Our cochannel power reduction curves would not permit the use of power anywhere close to 1 kilowatt with a 3,000-foot antenna, so that the power reduction requirements we are adopting are more than sufficient to insure compliance with our adjacent channel sharing criteria.

7. Turning now to other matters, IMSA, LMCC, and EIA urged that we modify the following proposed change of § 89.123(a):

> For heights above 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a cochannel television station, an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour.

They felt that we should permit such operations even in situations where there is no intervening terrain by imposing additional power restrictions. We have reconsidered this matter and have concluded that sufficient protection would be provided the affected television station by permitting land mobile stations to operate in these rare situations but with a power level such that the field strength produced at the affected television station's Grade B contour would not exceed that over a similar path length through free space. Proposed § 89.123(a)(7) has been changed accordingly.

8. EIA and IMSA, in their comments, indicated that the definition of power reduction in decibels below 1 kilowatt rather than in watts was too complex to apply. While we feel that defining the power reduction in decibels below a reference value of 1,000 watts does not introduce any undue complexity, we are adding a table of decibels versus watts to minimize the difficulty on the part of the land mobile user in determining permissible power.

9. EIA suggested also that the power reduction curves developed by that organization be used in preference to those appended to the Second Further Notice. We do not agree that they would be any improvement over the power curves we proposed. In determining the permissible land mobile station power, the distance between the land mobile and the television station and the site elevation are fixed, leaving only power as a variable. It follows then, that on the graphs, power should be the dependent variable. That is the way the curves were originally drawn and we feel they should remain so. We have, however, increased the number of graphs to five for both 40 and 50 DB protection ratios. This provides more intermediate mileages making it easier to interpolate in cases where the proposed station is to be located at a point between the curves. Interpolation is linear.

10. In consideration of the foregoing, the Commission finds that adoption of the proposed rule changes, as modified herein, will serve the public interest and should contribute to the efficiency and effectiveness in land mobile radio operations.

11. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That, effective, September 8, 1972, Parts 89, 91, and 93 of the Commission's rules are amended as shown in Appendix B.

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

Adopted: July 26, 1972.

Released: August 1, 1972.

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

APPENDIX "A"

Comments were submitted by:

Association of Maximum Service Telecasters (AMST)
Associated Public-Safety Communications Officers, Inc. (APCO)
Central Committee on Communications Facilities of the American Petrolem Institute (API)
Illinois Chapter, Associated Police Communications Officers (Ill APCO)
International Municipal Signal Association (IMSA)
International Taxicab Association (ITA)
Knox Larue dba Atlas Radiophone
Land Mobile Communications Council (LMCC)
Land Mobile Section of Electronics Industries Association (EIA)
Police Department, City of Fort Lauderdale, Fla.
Special Industrial Radio Services Association (SIRSA)
Television Communications, Inc.
Utilities Telecommunications Council (UTC)

Reply comments were submitted by:

Association of Maximum Service Telecasters
Land Mobile Commuications Council
Land Mobile Section, Electronics Industries Association

[1] Chairman Burch absent; Commissioner Johnson concurring in the result; Commissioner Hooks not participating.

APPENDIX B

PART 89—PUBLIC SAFETY RADIO SERVICES

Parts 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as set forth below:

1. In § 89.123(a), subparagraph (7) is added, and in paragraph (b), Table H and Figures A and B are added to read as follows:

§ 89.123 Frequencies in the band 470–512 MHz.

(a) * * *

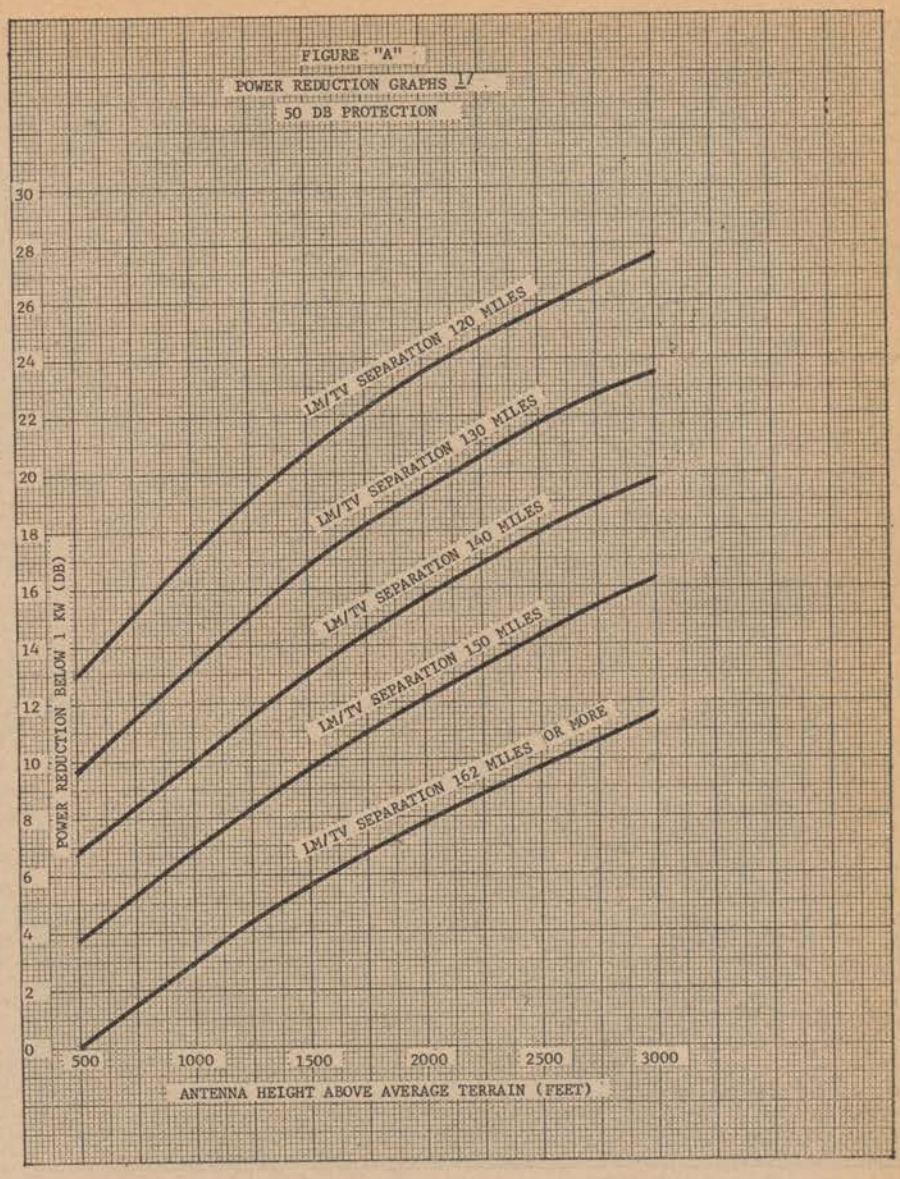
(7) For antenna heights between 500 feet and 3,000 feet above average terrain the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure A, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with Figure B. For heights of more than 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a cochannel TV station, an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour, or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the Grade B contour will be achieved.

(b) Tables and figures:

* * * * *

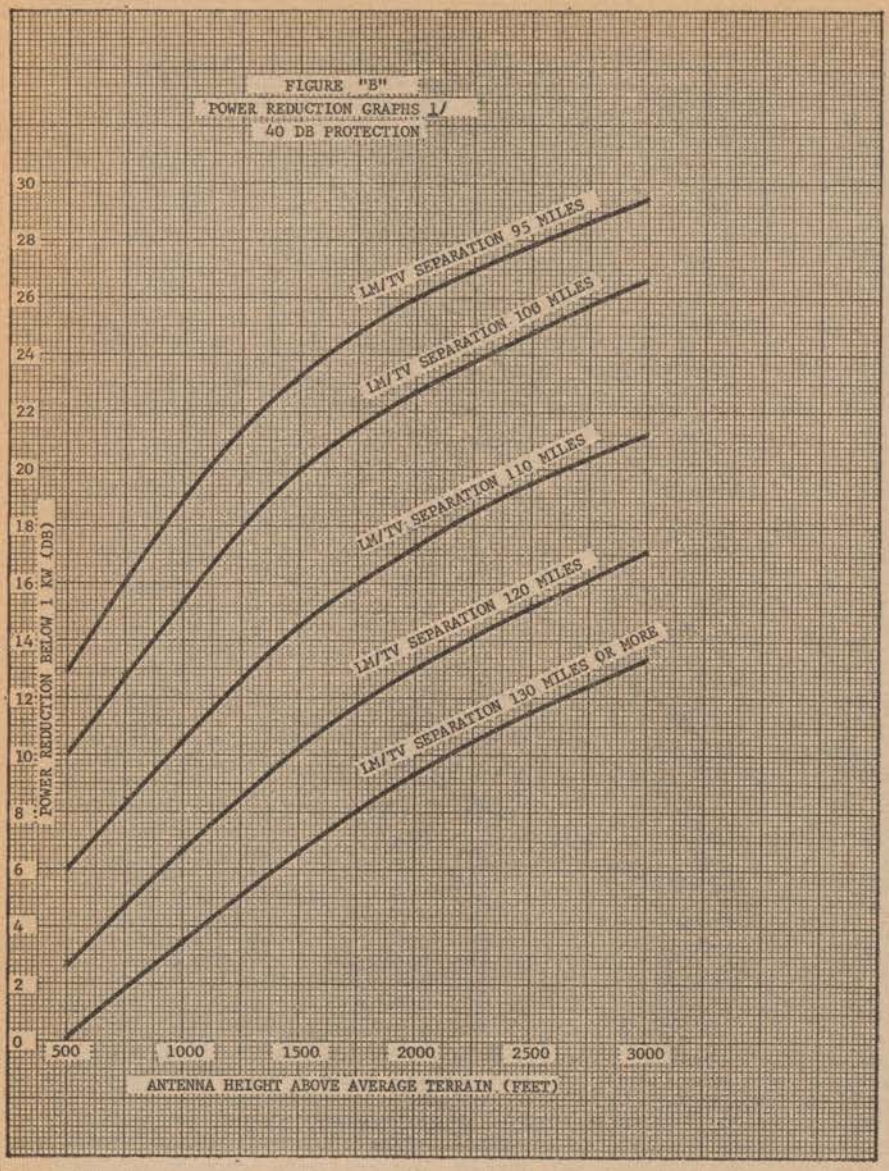
TABLE H—DECIBEL REDUCTION/POWER EQUIVALENTS

DB reduction below 1 kw	*E.R.P. permitted (figures rounded)*
1	795
2	630
3	500
4	400
5	315
6	250
7	200
8	160
9	125
10	100
11	80
12	65
13	50
14	40
15	30
16	25
17	20
18	15
19	12
20	10
21	8
22	6
23	5
24	4
25	3
26	2.5
27	2
28	1.5
29	1.25
30	1



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.

PART 91—INDUSTRIAL RADIO SERVICES

II. In § 91.114(a), subparagraph (7) is added, and in paragraph (b), Table H and Figures A and B are added to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

(a) * * *

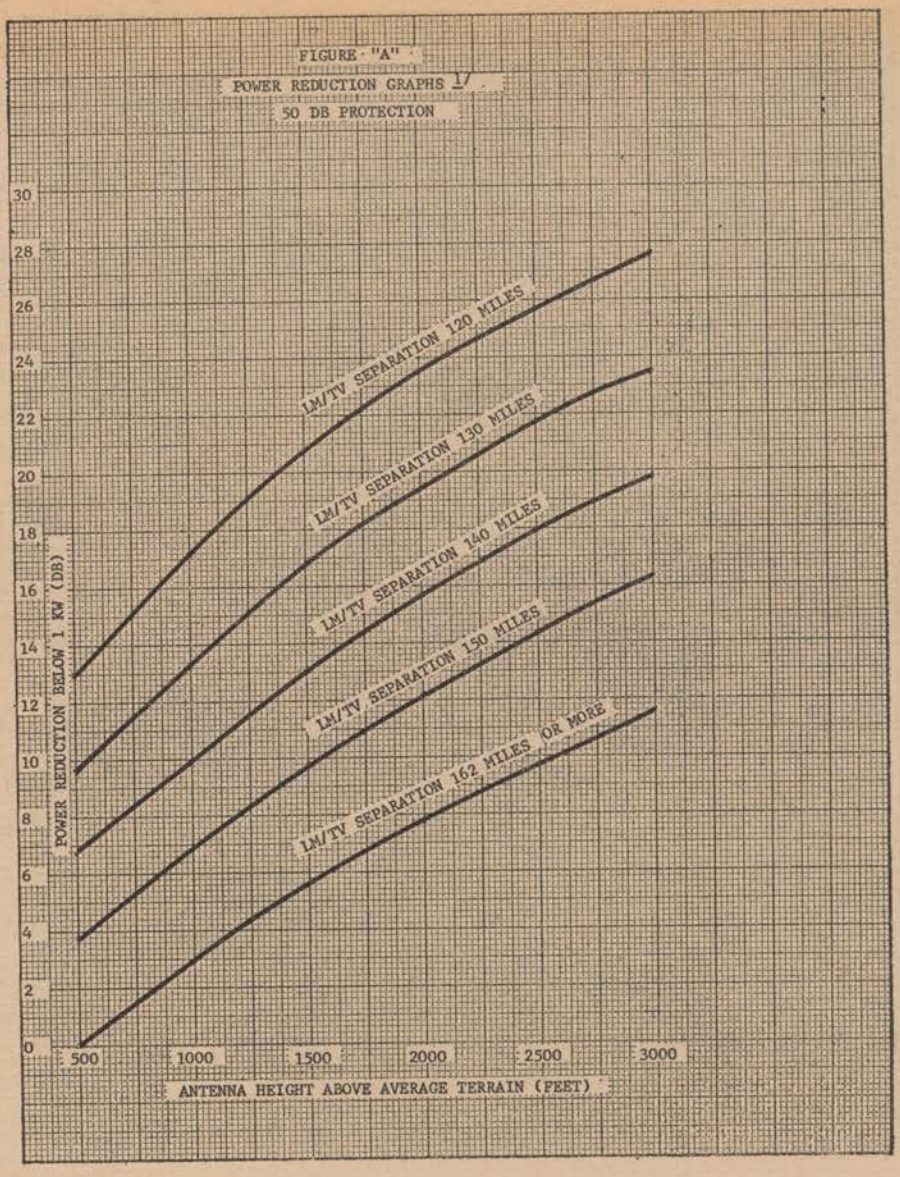
(7) For antenna heights between 500 feet and 3,000 feet above average terrain the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure A below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with Figure B. For heights of more than 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a cochannel TV station, an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour, or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the Grade B contour will be achieved.

(b) Tables and Figures:

* * * * *

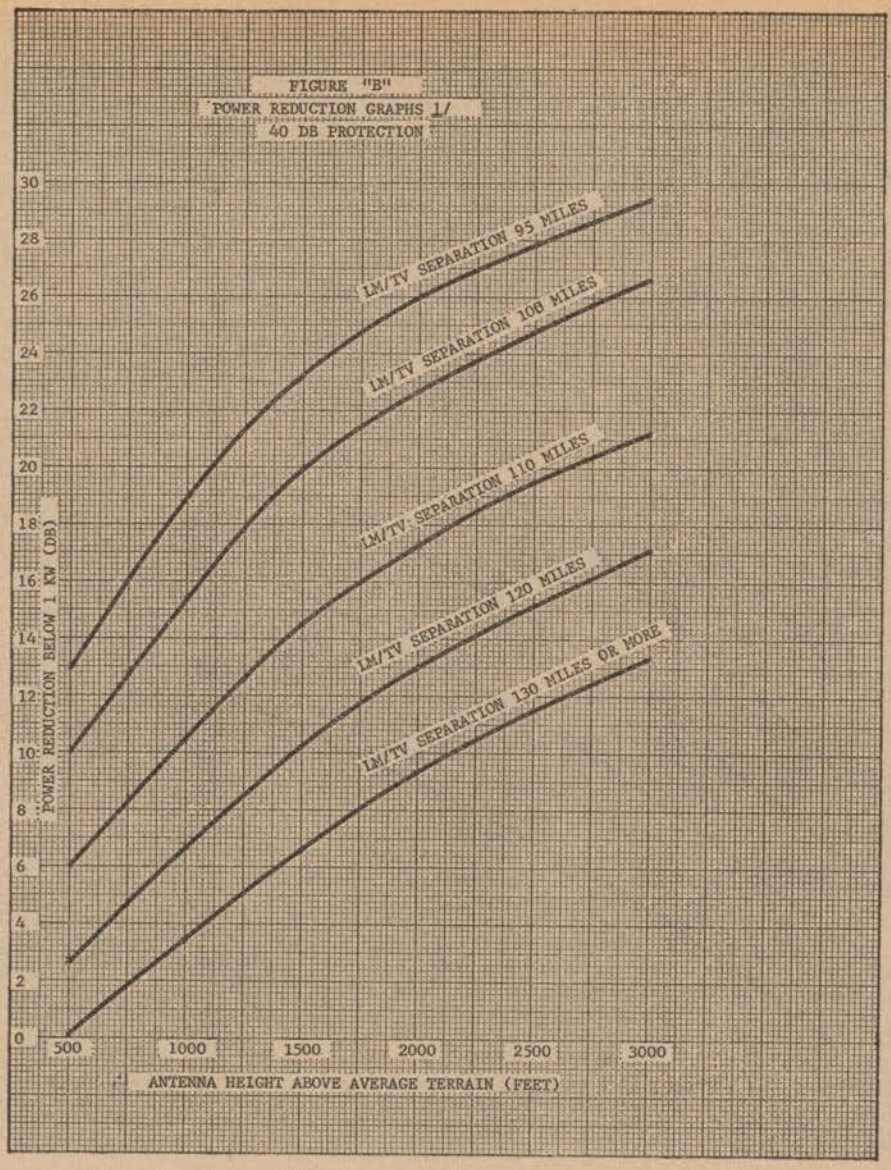
TABLE H—DECIBEL REDUCTION/POWER EQUIVALENTS

DB reduction below 1 kw	*E.R.P. permitted (figures rounded)*
1	795
2	630
3	500
4	400
5	315
6	250
7	200
8	160
9	125
10	100
11	80
12	65
13	50
14	40
15	30
16	25
17	20
18	15
19	12
20	10
21	8
22	6
23	5
24	4
25	3
26	2.5
27	2
28	1.5
29	1.25
30	1



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.

PART 93—LAND TRANSPORTATION RADIO SERVICES

III. In § 93.114(a) subparagraph (7) is added, and in paragraph (b), Table H and Figures A and B are added to read as follows:

§ 93.114 Frequencies in the band 470–512 MHz.

(a) * * *

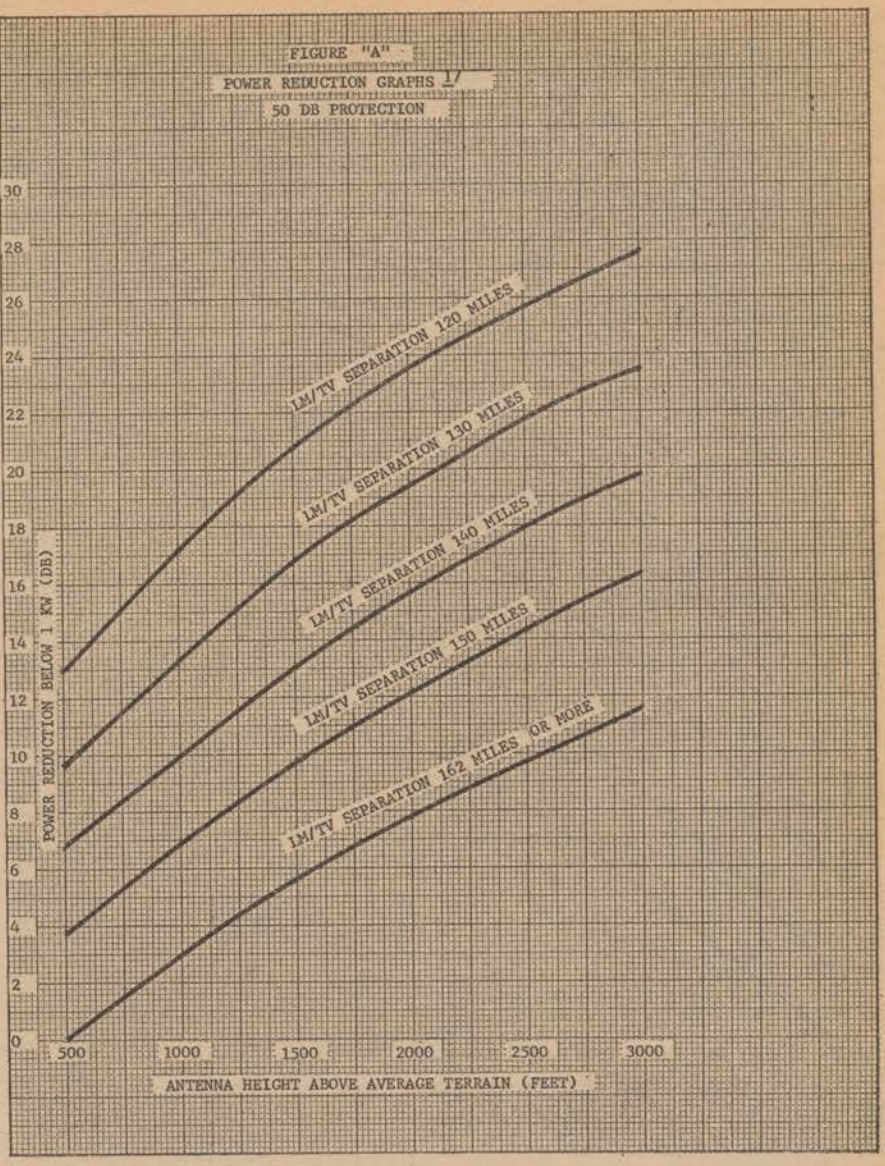
(7) For antenna heights between 500 feet and 3,000 feet above average terrain the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure A, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with Figure B. For heights of more than 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a cochannel TV station, an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour, or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the Grade B contour will be achieved.

(b) Tables and Figures:

* * * * *

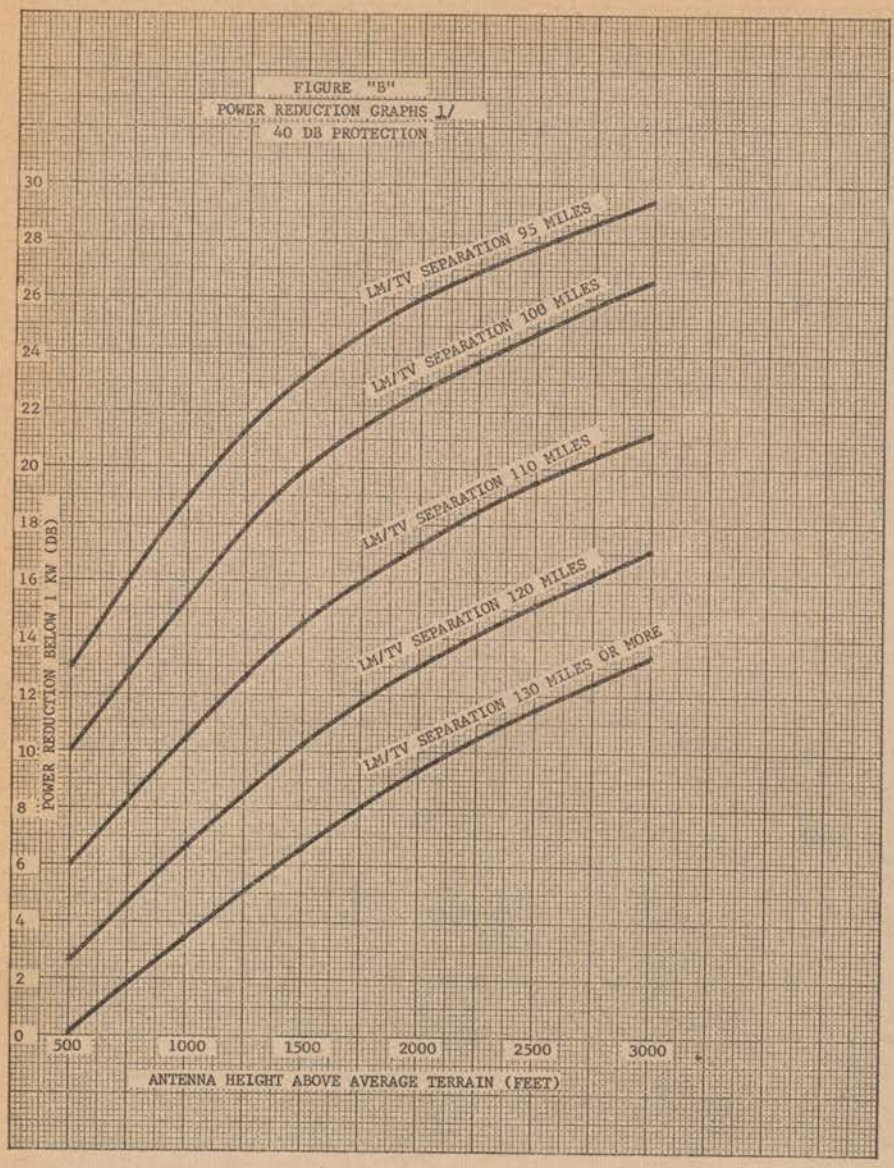
TABLE H—DECIBEL REDUCTION/POWER EQUIVALENTS

DB Reduction Below 1 KW	*E.R.P. Permitted (Figures Rounded)*
1	795
2	630
3	500
4	400
5	315
6	250
7	200
8	160
9	125
10	100
11	80
12	65
13	50
14	40
15	30
16	25
17	20
18	15
19	12
20	10
21	8
22	6
23	5
24	4
25	3
26	2.5
27	2
28	1.5
29	1.25
30	1



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.



1/ DIRECTIONS FOR USING THIS GRAPH

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected co-channel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW that must be achieved.
7. See Table H for dB/power equivalents.

[FR Doc.72-12364 Filed 8-10-72;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-7; Notice 22]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Change in Effective Date

The purpose of this notice is to specify the effective date for the amendment to Motor Vehicle Safety Standard No. 208 published July 6, 1972 (Notice 20; 37 F.R. 13265). In the effective date provision of the notice, it was stated that the amendment became effective 180 days after publication in the FEDERAL REGISTER. Calculation of 180 days from July 6, 1972, the publication date, results in an effective date of January 2, 1973. For reasons of consistency and clarity, it has been found preferable to establish January 1, 1973, as the effective date.

The amendment to Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, published at 37 F.R. 13265 is therefore made effective January 1, 1973.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, delegation of authority, 49 CFR 1.51)

Issued on August 3, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-12688 Filed 8-10-72;8:52 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on date of publication of the FEDERAL REGISTER (8-11-72). These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from refuge managers addressed to respective refuges.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch No. 2, Cold Bay, Alaska 99571.

Special condition. Hunting permitted only on Unimak, Adak, Attu, Shemya, and Atka.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, AK 99701.
Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, AK 99559.

Izembek National Wildlife Range, Pouch No. 2, Cold Bay, Alaska 99571.

Special condition. The landing of aircraft is prohibited except in the event of emergency.

Kenai National Moose Range, Post Office Box 500, Kenai, AK 99611.

Special conditions. Parts of the Kenai National Moose Range are closed to the operation of aircraft and motorboats. These regulations and maps are available at the refuge office, Kenai, Alaska, and from the Alaska area office, Bureau of Sport Fisheries and Wildlife, 6917 Seward Highway, Anchorage, AK.

Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, AK 99615.

Special condition. Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

Nunivak National Wildlife Refuge, Post Office Box 346, Bethel, AK 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

GORDON W. WATSON,
Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 31, 1972.

[FR Doc.72-12634 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-11-72). These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

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

Upland game may be hunted on the following refuge areas:

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.
Nunivak National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Bering Sea National Wildlife Refuge, Post Office Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

DAVID L. SPENCER,
Area Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 27, 1972.

[FR Doc.72-12633 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-11-72). These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

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

Upland game may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571

Special conditions:
(1) Exception Amchitka Island.
(2) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting upland game or upland game hunters, is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.
Area No. 2. The airstrip situated at Cape Sarichef.
Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.
Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions:
(1) The landing of aircraft is prohibited except in the event of emergency.
(2) The use of motorized vehicles is restricted to the established road system.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas.

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

Special conditions:
(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.
(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.
(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.
Area No. 2. The airstrip situated at Cape Sarichef.
Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.
Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions:
(1) The landing of aircraft is prohibited except in the event of emergency.
(2) The use of motorized vehicles is restricted to the established road system.
(3) The Cold Bay closed area, partly within the Izembek National Wildlife Range, beginning at the peak of Frosty Mountain running in a straight line approximately northwest to the tip of Cape Glazenap in Izembek Lagoon, thence northeastward along the mean high tide line to the north end of Neumann Island (at approximately 55°25′ N., 162°41′ W.), thence on a straight line running approximately south to the tip of the spit at the western entrance to Kinzarof Lagoon in Cold Bay (at approximately 55°16′ N., 162°41′ W.), thence generally southward along mean high tide line to the head of Old Mans Lagoon in Cold Bay (at approximately 55°04′ N., 162°38′ W.), thence on a straight line to the point of beginning, is closed by State of Alaska regulation to the taking of brown and grizzly bear only.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

ROBERT D. JONES, Jr.,
Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska.

JULY 27, 1972.

[FR Doc.72-12635 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-11-72).

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

Public hunting of upland game on the Arctic National Wildlife Range is permitted in accordance with applicable State regulations. Information relative to hunting may be obtained from the

Refuge Manager at 1412 Airport Way, Fairbanks, AK 99701.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of big game animals on the Arctic National Wildlife Range is permitted in accordance with applicable State regulations. Information relative to hunting may be obtained from the Refuge Manager at 1412 Airport Way, Fairbanks, AK 99701.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

DAVID L. SPENCER,
Area Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 28, 1972.

[FR Doc.72-12636 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-11-72).

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

Public hunting of upland game on the Kenai National Moose Range is permitted in accordance with applicable State regulations. The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Post Office Box 500, Kenai, AK 99611.

Special conditions:

(1) Aircraft landings and boat operations are restricted to certain designated areas.

(2) The use of motorized vehicles is restricted to the established maintained road system.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of big game animals on the Kenai National Moose Range is permitted in accordance with applicable State regulations. The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Post Office Box 500, Kenai, AK 99611.

Special conditions:

(1) Aircraft landings and boat operations are restricted to certain designated areas.

(2) The use of motorized vehicles is restricted to the established maintained road system.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 19, 1973.

ROBERT K. SEEMEL,
Acting Refuge Manager, Bureau of Sport Fisheries & Wildlife, Kenai, Alaska.

JULY 28, 1972.

[FR Doc.72-12637 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following regulations are issued and are effective on date of publication of the FEDERAL REGISTER (8-11-72).

General conditions. Hunting shall be in accordance with applicable State regulations.

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

Upland game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, AK 99615.

Special condition. Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, AK 99615.

Special conditions:

(1) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

(2) A Federal permit is required to hunt brown bear. Permits will be nontransferable and issued by hunting area units on a priority application basis from public announcement dates. Permits may be obtained by applying to the Refuge Manager, Bureau of Sport Fisheries and Wildlife, Post Office Box 825, Kodiak, AK 99615.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

GERRY ATWELL,
Refuge Manager, Kodiak National Wildlife Refuge, Kodiak, Alaska.

JULY 31, 1972.

[FR Doc. 72-12638 Filed 8-10-72;8:47 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-11-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope by gun on the Audubon National Wildlife Refuge, N. Dak., is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions;

(1) Hunting is permitted from 12 noon c.d.t. September 22, 1972, to sunset of that day, and from sunrise to sunset of each day from September 23 through October 1, 1972.

(2) Hunting will be by permit only. The North Dakota Game and Fish Department will determine the number of permits to be issued for Audubon Refuge.

(3) All hunters must exhibit their hunting license, antelope tag and permit, game, and vehicle contents to Federal and State officers upon request.

(4) Vehicular traffic, including the use of boats by hunters is prohibited on the refuge during the antelope season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 1, 1972.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Coleharbor, N. Dak. 58531.

AUGUST 3, 1972.

[FR Doc.72-12639 Filed 8-10-72;8:48 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-11-72).

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

General condition. Fishing shall be in accordance with all applicable State regulations.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

ARCTIC NATIONAL WILDLIFE RANGE

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, AK 99701.

BERING SEA NATIONAL WILDLIFE REFUGE

Bering Sea National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, AK 99559.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, AK 99559.

IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range headquarters: Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, Post Office Box 500, Kenai, AK 99611.

KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, Box 825, Kodiak, AK 99615.

NUNIVAK NATIONAL WILDLIFE REFUGE

Nunivak National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Refuge, Post Office Box 346, Bethel, AK 99559.

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

DAVID L. SPENCER,
Area Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 31, 1972.

[FR Doc.72-12640 Filed 8-10-72;8:48 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Loans Without Requirement of Security

Pursuant to Resolution No. 72-892 (F.R. Doc. 72-12125, 37 F.R. 15379, Tuesday, August 1, 1972), the Board amended Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545) by revising § 545.8 thereof, effective August 1, 1972. In so doing, an explanatory statement relating to said revision was inadvertently omitted. A similar statement had been published with the previous amendment of § 545.8 (37 F.R. 12485).

The explanatory statement below set forth is, except for certain editorial changes reflecting the substance of the most recent amendment of § 545.8, the same as the earlier statement referred to above:

EXPLANATORY STATEMENT WITH RESPECT TO REGULATORY AMENDMENT RELATING TO LOANS FOR HOME EQUIPPING AND MODERNIZATION

The amendments to § 545.8 of the rules and regulations for the Federal Savings and Loan System contained in Board Resolutions Nos. 72-704 and 72-892, effective August 1, 1972, are designated in part to implement the authority granted to the Board by the Housing and Urban Development Act of 1968 (Public Law 90-448, approved August 1, 1968), to authorize, in addition to property repair, alteration, and improvement loans previously provided for in the regulation, Federal savings and loan associations to make loans for home equipping, whether or not such loans are secured by a lien on such equipment or such home. This amendment provides in part as follows: The total amount of outstanding equipping loans on the same real property may not exceed $5,000, and separate loans of up to $5,000 each may be outstanding for different repairs, alterations, or improvements on such property, provided that all loans for repairs, alterations, equipping and improvements on such property made during the preceding 180 days may not exceed $5,000. Loans made pursuant to the regulation shall be repayable in regular installments within a period of 10 years and 32 days; the home to be equipped must be within the lender's regular lending area; and the aggregate amount of an association's investments in all such equipping loans shall not exceed 5 percent of the lending association's assets and shall be included in the loans subject to the overall 20 percent of assets limitation for all loans made under § 545.8.

In the preparation of the regulation, the meaning of the term "equipping", as used in the statute and the regulation, came into question. Items on the following list, which is illustrative rather than exhaustive, constitute eligible items for which a Federal association may make an "equipping" loan under § 545.8.

Some of the items listed will simultaneously qualify with respect to "improvement" as well as "equipping" of real property. In such cases of dual qualification, the lender may classify such loans as within the "improvement" category (subject only to the overall 20 percent of assets limitation of § 545.8), rather than the "equipping" category (subject to both the 20-percent and the 5 percent of assets limitation in § 545.8), thereby leaving the maximum amount available for "equipping" loans.

Air cleaner, electronic.
Air conditioning, central.
Air conditioning, window.
Alarm System, burglar or fire.
Bookcase.[1]
Cabinet, kitchen.
Carpeting, wall-to-wall.
Chandelier.
Cleaner, vacuum.[1]
Communications system.
Dehumidifier.
Dinette.[1]
Dishwasher.
Disposal, garbage.
Door, interior, exterior/interior, or storm.
Drapery.
Drapery hardware.
Dryer, clothes.
Fans, attic, kitchen, or window.
Floor covering, asphalt, linoleum, vinyl, cork, or other.
Freezer.
Heater, hot water.
Humidifier.
Iron, clothes (automatic only).
Lawn sprinkler system.
Phonograph.[1]
Radiator cover.
Radio.[1]
Range.
Refrigerator.
Shutters.
Television.[1]
Utility building.
Valance and cornice.
Venetian blind.
Washing machine, clothes.
Water softener.
Water system pump, tank, and piping.
Window, storm.
Workshop equipment, installed.

[1] These items qualify for inclusion only when built into the property or so affixed as to be inseverable without damage to the property.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-12653 Filed 8-10-72;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R-441; Order 455]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas

AUGUST 3, 1972.

1. Pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1967) (APA) and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act (Act),[1] the Commission issues rules fixing the terms and conditions of an optional procedure under which it will issue permanent certificates for, and will

[1] 52 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717o.

otherwise regulate sales of natural gas subject to the Commission's jurisdiction nationwide, including, but not limited to, the southern Louisiana, Permian Basin, other southwest, Hugoton-Anadarko, Texas gulf coast, Appalachian and Illinois Basins, Rocky Mountain areas, and all other areas. The rates embodied in certificates issued pursuant to the rules and amendments set forth herein will be firm rates, not subject to refund obligation, as will be more fully explained hereinafter.

2. As we state in the notice issued in this proceeding on April 6, 1972 (37 F.R. 7345, April 13, 1972), data available to the Commission indicates a worsening of the gap between natural gas demand and supply.

3. The recent report on "National Supply and Demand 1971–1990," prepared by the Federal Power Commission's Bureau of Natural Gas (BNG) shows the level of "unsatisfied demand" for gas increasing from 3.6 trillion cubic feet in 1975 to 9.5 trillion cubic feet in 1980, 13.7 trillion cubic feet in 1985 and 17.1 trillion cubic feet in 1990.[2] Additionally, it is estimated that between 1971 and 1990, the United States will require 186.4 trillion cubic feet more gas than will be available, even after making liberal allowances for pipeline imports, liquefied natural gas imports, coal gas, Alaskan gas and reformed gas.[3]

4. The Future Requirements Committee (FRC) estimates that the natural gas requirements for the United States will increase from about 28.2 trillion cubic feet in 1971 to 33.9 trillion cubic feet in 1975.[4] Based on information concerning presently contracted or reasonably assured supplies, the FRC estimates that the gap between the potential demand for gas and the most likely available supply will increase from 0.9 trillion cubic feet in 1971 to 3.9 trillion cubic feet in 1975.[5]

5. The assurance of adequate supplies of natural gas can mitigate the damage being done to the Nation's environment. Natural gas is the cleanest burning and least polluting of all the fossil fuels.

6. Any further aggravation of the gas supply problem also portends grave implications for the Nation's economic objectives. Between 1947 and 1970, the Nation increased its annual consumption of energy from 32.9 quadrillion B.t.u. to 68.8 quadrillion B.t.u., with the share of the total being contributed by natural gas increasing from 13.8 percent in 1947 to 32.5 percent in 1970.[6] During this period, the Nation's real output of goods and services more than doubled and its real income per capita increased by about one half. It is inescapable that the continued growth and productivity of the U.S. economy requires adequate and reliable supplies of energy, including adequate and reliable supplies of natural gas.

7. Moreover, our efforts to hold consumer costs to the lowest reasonable level can only be eroded if the Nation is forced to rely more heavily on substitute or supplemental supplies of gas than would be required if our domestic natural gas resources were developed in a timely manner. New base load supplies of substitute or supplemental gas will be available to consumers only at costs significantly higher than the prices of currently available domestic wellhead supplies.[7] The price per B.t.u. for many primary fuels is greater than the price per B.t.u. for natural gas. This comparison is especially unfavorable to the alternative fossil fuels when the costs of storage, handling, and pollution control are included. In summary, if our domestic natural gas resources are not developed in a timely manner and consumers of natural gas are forced to satisfy a commensurately larger portion of their energy requirements by using either substitute or supplemental gas supplies, e.g., imported liquefied natural gas, propane, reformed hydrocarbons, gasified coal, imported natural gas, or other fossil fuels, the net effect is higher energy costs throughout the economy, with resulting inflationary pressures. Higher prices for domestic gas, if paid for new supplies, will result in a cheaper mix of energy supplies and thus represent a better alternative.

8. In view of these facts, we are unwilling to leave untested the producing capacity of the United States. Our responsibility to the consumers of natural gas, to assure reliable and adequate supplies at the lowest reasonable cost, impels us to that course of action best calculated to spur domestic exploration and development. To this end, we seek to provide two incentives to domestic production, both fully congruous with consumer protection. First, we will certificate sales of gas not previously deliverable to the interstate market at prices which are shown to be in the public interest. Second, to the extent possible, we will lessen rate uncertainty which has prevailed since the early 1960's.

9. Studies available to the Commission indicates that vast quantities of natural gas remain undeveloped in the United States. Estimates range from 1,178 trillion cubic feet to 2,100 trillion cubic feet, We seek accelerated development of that portion of this potential supply which is economically recoverable, for in development of domestic reserves lies the best assurance of reliable supplies at the lowest reasonable cost.

10. As will be stated more fully hereinafter, this policy statement and the optional procedures herein etstablish are directed at supplies of gas not available to the interestate market prior to April 6, 1972. The rule making does not envisage nor authorize rate increases for gas already flowing in interstate commerce through wells drilled prior to April 6, 1972. As new supplies are found or reduced to a deliverable state for dedication to the interstate consumer market, the optional procedures here set forth will become available, but because of the limited scope of this rulemaking, consumers will not pay higher rates except for new supplies, and then only to that extent that the contracting parties establish on the record that the price to be paid is required by the public interest.

11. While comments were received from various persons, groups, and associations, we take particular note of those of the Departments of Commerce and Interior and the Environmental Protection Agency. The Department of Commerce suggested certain amendments to the rule as noticed, which have been adopted here, and expressed support for the proposed rulemaking to encourage gas exploration and development. The Department of the Interior likewise suggested certain modifications in the rule, many of which have been accomplished by our action here, and stated, "(t)he proposed rule-making order in Docket No. 441 is a strong step toward providing the necessary incentive that will stimulate exploration and development of new gas supplies. * * *" The Environmental Protection Agency concurred "in the FPC's efforts to try to improve the gas supply position through procedures which will allow for increased reliance on market incentives."

12. Ninety-three persons, groups, Commissions, or associations filed comments or suggestions in response to the notice of April 6, 1972.[8] A number of those responding to the notice raised a general question of the lawfulness of the rule as proposed. We shall discuss procedural issues first and then discuss seriatim the suggestions and comments applicable to the various provisions of the rules.

Procedural Issues

13. An understanding of the relationship between the optional certification procedure we adopt herein and area rates must be based on an appreciation of the interplay between the section 7 certificate and sections 4 and 5 rate provisions of the Natural Gas Act (Act). That relationship is particularly important insofar as regulation of producers' sales of natural gas in interstate commerce is concerned.

14. Immediately following the issuance of the Supreme Court's decision in Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954), holding that sales of natural gas by producers for resale in interstate commerce are subject to the Act, the Commission initiated producer regulation by issuing Orders Nos. 174 (13 FPC 1194), 174–A (13 FPC 1255), and 174–B (13 FPC 1576), requiring independent producers to file applications for certificates of public convenience and necessity, pursuant to section 7 of the Act, and to file their contracts, under which interstate sales were being made or were proposed to be initiated, as rate schedules pursuant to section 4 of the Act.

[2,3] National Gas Supply and Demand 1971–1990, and Bureau of Natural Gas, Federal Power Commission, February 1972, p. 3.

[4,5] Future Gas Requirements of the United States, Future Requirements Committee, Vol. No. 4, October 1971, p. 3.

[6] Mineral Industry Surveys, Petroleum Statement Monthly, Bureau of Mines, Department of Interior, December 1970, p. 37.

[7] See, e.g., Distrigas Corp., Docket No. CP70–196 et al., Opinions Nos. 613 and 613A, issued Mar. 9 and June 7, 1972, respectively, Columbia LNG Corp. et al., Dockets Nos. CP71–68 et al., Opinion No. 622, issued June 28, 1972.

[8] A listing of said respondents is contained in the appendix filed as part of the original document.

15. The Commission attempted individual company cost-of-service rate regulation following the issuance of Orders 174, 174A and 174B. The resultant delays and uncertainty were of such magnitude that this system of producer rate regulation was clearly not in the public interest. Before this was fully recognized, contracts were filed in the CATCO case [The Atlantic Refining Co. v. Public Service Commission of New York, 360 U.S. 378 (1959)] providing for an initial price of 21.4 cents per Mcf.

16. Because of opposition to the increased initial price, the Commission first issued a certificate authorizing the sale upon the condition that the producers could charge no more than 17 cents per Mcf. Since the producers had not commenced delivery of gas, they exercised their prerogative under the Act and declined to accept a certificate conditioned to 17 cents. After rehearing, the Commission issued a certificate (17 FPC 880 (1957)) authorizing the sale at the proposed initial price of 21.4 cents per Mcf because the Commission believed it was important to make certain that the large volume of gas involved (approximately 1.3 trillion cubic feet) be obtained for the interstate market. Additionally, the Commission found that consumers would be protected because of the rate sections of the Act which would enable it to reduce the price prospectively if the 21.4-cent price should prove to be unjust and unreasonable after a hearing held under section 5 of the Act.

17. The Commission's order was ultimately appealed by the New York Commission and eastern distributor companies to the Supreme Court. The Supreme Court reversed the order, ruling that the Commission was under a duty to hold the line on prices under the certificate provisions of the Act pending the outcome of rate proceedings instituted under sections 4 and 5 of the Act (CATCO, supra, 360 U.S. at 388–390). The Court pointed out that rate proceedings are normally quite time consuming and that the public should not have to pay the 21.4-cent rate while a just and reasonable rate was being determined.

18. A large number of Commission orders, which had granted certificates approving initial rates on the theory that the prices could ultimately be reduced after the completion of subsequent rate proceedings, were reversed by various U.S. courts of appeals.[9] After the courts' reversal of Commission orders, the Commission instituted a uniform program of conditioning producer prices in certificate proceedings so as to fix initial prices for new sales to the level of previously certificated sales. The courts consistently affirmed this rationale employed by the Commission,[10] which was a result of its refusal to consider the justness and reasonableness of the price at the time the certificate was issued.

19. The Commission adhered to a separation of certificate and rate issues when it embarked on area rate regulation. Sales were certificated, but conditioned so that the just and reasonable rate to be charged was not established until final judicial review of the applicable area rate decision was completed.

20. After the Commission had issued its first area rate decision involving the Permian Basin area (Opinion No. 468, Area Rate Proceeding, 34 FPC 158 (1965), aff'd Permian Basin Area Rate Cases, 390 U.S. 747 (1968)), efforts were made by producers to obtain initial prices, pursuant to section 7, in excess of the just and reasonable rates fixed, pursuant to sections 4 and 5, in the area rate proceeding. The Commission held that area rates would be used to establish the level of the initial rate for new sales, and, therefore, that it would not hold a hearing under section 7 to determine new "in-line" rates once just and reasonable rates had been established. The Commission's position was upheld in Phillips Petroleum Co. v. F.P.C., 405 F. 2d 6 (10th Cir. 1969), and Hunt Oil Co. v. F.P.C., 424 F. 2d 982 (5th Cir. 1970), even though the producers had contended that they should be permitted to introduce evidence showing that their 1968, 1969, and 1970 costs had increased so as to require a higher price than the rate level fixed on 1960 costs by the Commission in the Permian Basin area rate proceeding. The court said the producers were attempting in a section 7 proceeding to make a collateral attack on the area rate proceeding, and that they should ask for a reopening of the area rate proceeding if the prices established therein were inadequate (424 F. 2d at 988).

21. At the present time, the Commission has completed area rate hearings in all but the Rocky Mountain area[11] and has fixed just and reasonable rates for all the major producing areas in the lower 48 States.[12] Court review is pending as to all of the recent area rate opinions[13] except Order No. 411 involving the Appalachian and Illinois Basin areas.

22. Because our area rate orders remain under attack, at the present time a producer, even if he is willing to sell at the rates fixed in such opinions, does not know that those rates will be affirmed on appeal. Although in the Sunray DX case supra, 391 U.S. 9, the Supreme Court held that a producer cannot be required to refund below the permanently-certificated rate, the Supreme Court was not in that case ruling on the question of whether a certificated rate, based upon an area rate invalidated through court review, would necessarily be impregnable, and the certificates so indicate. Consequently there is no assurance at the present time that a producer may not ultimately have to refund some of an initial rate based on a just and reasonable determination and upon which the producer relied when it dedicated a new gas supply to the interstate market. In short, after some 18 years of producer regulation, the producer does not know how much it can lawfully charge for sales of natural gas in interstate commerce nor how much it will get if it develops and sells new gas to the interstate market. The producer knows for sure only that once it sells in interstate commerce it cannot stop deliveries.

23. This uncertainty has impeded domestic exploration and development. We acknowledge that section 5 of the Natural Gas Act prevents the Commission from granting sanctity of contract,

[9] United Gas Improvement Co. v. F.P.C., 283 F. 2d 817 (9th Cir. 1960), cert. denied, 365 U.S. 881; United Gas Improvement Co. v. F.P.C., 287 F. 2d 159 (10th Cir. 1961); United Gas Improvement Co. v. F.P.C., 290 F. 2d 147 (5th Cir. 1961), cert. denied, 366 U.S. 965; United Gas Improvement Co. v. F.P.C., 290 F. 2d 133 (5th Cir. 1961), cert. denied, 386 U.S. 823; P.S.C. of New York v. F.P.C., 287 F. 2d 146 (D.C. Cir. 1960), cert. denied, 365 U.S. 880.

[10] Signal Oil Co. v. F.P.C., 238 F. 2d 771 (3rd Cir. 1956), cert. denied, 353 U.S. 923; P.S.C. of New York v. F.P.C. 329 F. 2d 242 (D.C. Cir. 1964), cert. denied, 377 U.S. 963, affirming "in-line" price determinations but requiring further consideration of refund conditions; People of State of California v. F.P.C., 353 F. 2d 16 (9th Cir. 1965); F.P.C. v. Sunray DX Oil Co., 391 U.S. 9 (1968).

[11] Area Rates for the Rocky Mountain Area, Docket No. R–425, "Notice Instituting Proposed Rulemaking and Order Prescribing Procedure," issued July 15, 1971.

[12] In addition to the Permian Basin decision supra, the Commission has instituted a new Permian Basin proceeding (Area Rate Proceeding (Permian Basin Area), Docket No. AR70–1, 45 FPC 192 (1971)) which is awaiting an Examiner's initial decision. In addition to the first Southern Louisiana Area Rate Proceeding (Opinion No. 546, Area Rate Proceeding (Southern Louisiana Area), 40 FPC 530 (1968), aff'd sub nom. Austral Oil Co. (Southern Louisiana Area Rate Cases) v. F.P.C., 428 F. 2d 407 (5th Cir. 1970), cert. denied, 400 U.S. 950), the Commission has issued a second decision regarding the Southern Louisiana area (Opinion No. 598, Area Rate Proceeding (Southern Louisiana Area), Dockets Nos. AR61–2, et al., issued July 16, 1971). Area rate opinions have also been issued for four other important producing areas: Opinion No. 607, Area Rate Proceeding (other Southwest area), Dockets Nos. AR67–1, et al., issued October 29, 1971; Opinion No. 595, Area Rate Proceeding (Texas Gulf Coast Area), Dockets Nos. AR64–2, et al., issued May 6, 1971; Opinion No. 586, Area Rate Proceeding (Hugoton-Anadarko Area), Dockets Nos. AR64–1, et al., issued September 18, 1970, 44 FPC 761; and Order No. 411, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R–371, issued October 2, 1970, 44 FPC 1112, and Order No. 411–A, issued October 30, 1970, 44 FPC 1334.

[13] Opinion No. 586 in Ninth Circuit No. 71–1036, Opinion No. 595 in CADC 71–1828; Opinion No. 598 in Fifth Circuit Nos. 71–2761; et al.; Opinion No. 607 in Fifth Circuit Nos. 72–1114, et al.

and that a degree of uncertainty will remain so long as Congress withholds action on sanctity of contract legislation. We continue to urge the necessity for sanctity of contract legislation, in the firm belief that congressional action in this field will establish a reasonable level of prices consistent with adequate service to the consumer by encouraging development of required supplies and by avoiding uncertainty factors in producer pricing, thereby attracting capital at risk at a lower return than would otherwise prevail.

24. To those who have commented on our rulemaking to suggest that we exceed our authority in contemplating permanent certification of producer sales at firm rates not subject to refund or reduction in later area rate proceedings, we answer by our foregoing acknowledgment of the supremacy of section 5 over our administrative regulations and determinations. We cannot bind a future Commission not to invoke the prospective operation of section 5, nor do we attempt to do so. We do, however, announce our policy to examine the justness and reasonableness of proposed rates in section 7 proceedings instituted under this section, thus avoiding the uncertainty of reserving rate determinations for subsequent section 4 or section 5 action. To the extent that this Commission can grant certainty of rates, we do so. Congressional enactment of sanctity of contract legislation is essential to assure that contracts dedicating new supplies to interstate markets will not be abrogated by future commissions.

25. Since mid-1969, the Commission has attempted in several ways to obtain new supplies of gas for the interstate market. One was the announcement in paragraph 12 of its statement of policy in Docket No. R-389A issued July 17, 1970, 35 F.R. 11638, of its willingness to consider applications proposing to make sales at initial prices above area rate ceilings. Relatively few filings have been made under paragraph 12, because certificates thereunder are conditioned to later area rate determinations and are therefore subject to the same uncertainties as have impeded domestic development in the past.

26. Another of our efforts to alleviate the gas shortage was the authorization for emergency purchases. Among other features, this program involved experimentation with the use of an expedited certification procedure which encompassed a determination of a lawful rate. In proceedings under Orders 402 (May 6, 1970, 43 FPC 707), 418 (December 10, 1970, 44 FPC 1574), and 431 (April 15, 1971, 45 FPC 570), all certification and rate issues are determined in one proceeding. Since the effective date of Order 431, we have issued 62 certificates at prices ranging from 26¢ to 40¢/Mcf. Approximately 500 Bcf of gas have been brought to the interstate market through this procedure. Neither the Order 431 procedure itself, nor any certificate issued under it has been the subject of legal attack, and we have been able to act upon certificate applications by final order issued, on the average, less than 2 months after the application was filed. The results of our experiment strongly indicate that producer rate regulation can be efficiently managed, in the public interest, by reaching certificate and rate issues in one proceeding, particularly if we use the abbreviated hearing process open to us under our statutes and rules.

27. The disadvantages to the Order 431 sales which have been made under the foregoing emergency regulations are two: First, on the whole no long-term dedications of reserves to pipeline companies have resulted from such sales. While the temporary sales have been of value in reducing pipeline and distributor curtailments in deliveries which otherwise would have resulted, the fact remains that the gas reserve life indices of the interstate pipeline have continued to decline. Second, Order 431 procedures are available only if the pipeline purchaser is in an emergency gas shortage situation.

28. These two disadvantages make Order 431 procedures an incomplete answer to the gas supply problem. Long-term dedications are essential to reliability and continuity of supply, and to pipeline financing. And secondly, we seek to prevent emergency conditions from developing, rather than responding after an emergency develops.

29. It should be made clear that the optional procedure is not intended to supersede the procedures currently being followed in the area rate proceedings. The area rate opinions have established rate levels for new and flowing gas sales that are currently being made, and parties may continue to operate under these procedures. This is an alternate procedure which is available if the producer is willing to forego certain benefits of area rate proceedings, in exchange for certainty of its certificated price, as determined at the certificate stage.

30. As the Supreme Court pointed out in FPC v. Hope Natural Gas Co., 320 U.S. at 602, 64 S. Ct. at 288, and in FPC v. Natural Gas Pipeline Co., 315 U.S. 575 at 586 (1942), the Commission must make "pragmatic adjustments" in rate procedures to stimulate the discovery and dedication of gas supplies to the interstate market.

31. By the procedures adopted herein, the Commission now seeks to stimulate the immediate introduction of new, long-term gas supplies into the interstate market by such a pragmatic adjustment. Thus it is proceeding under its certificate authority under section 7 of the Act. It is unquestioned that the Commission is authorized to vary the initial terms and conditions of a contract for the sale of natural gas in interstate commerce by section 7 of the Act. Section 7(e) of the Act authorizes the Commission "to attach to the issuance of the certificate * * * such reasonable terms and conditions as the public convenience and necessity may require." In CATCO (supra) the Supreme Court held that the "Act does not require a determination of just and reasonable rates in an s7 proceeding as it does in one under either s4 or s5." Id. at 390-1. However, neither the Act, or any decision, prohibits consideration of whether the rate is just and reasonable.

32. In determining the terms and conditions under which it will issue certificates under section 7, the Commission need not fix such terms and conditions in each proceeding, but may promulgate those of a general nature under its rulemaking authority. The Commission's rulemaking authority emanates from section 16 of the Act, 15 U.S.C. s717o, which states in pertinent part that:

> The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this act. * * * [24]

33. The Supreme Court has explicitly held "that the statutory requirement for a hearing under s7 does not preclude the Commission from particularizing statutory standards through the rule-making process * * *." F.P.C. v. Texaco, 377 U.S. 33, 39 (1964). The Court held that the Commission may properly conclude that protection of the consumer interests will be best achieved if done at the threshold of certification, citing legislative history which is particularly pertinent to the Commission's purpose in promulgating an optional procedure herein:

> * * * The bill when enacted will have the effect of giving the Commission an opportunity to scrutinize the financial set-up, the adequacy of the gas reserves, the feasibility and adequacy of the proposed services, and the characteristics of the rate structure in connection with the proposed construction or extension at a time when such vital matters can readily be modified as the public interest may demand * * * (H.R. Rep. No. 1290, 77th Cong., 1st Sess., pp. 2-3, and see S. Rep. No. 948, 77th Cong., 2nd. Sess., pp. 1-2)

34. Recently, the U.S. Court of Appeals for the District of Columbia Circuit stated that "many of the same regulatory objectives which can be attained through ad hoc proceedings under sections 4, 5, and 7 can also be attained through the issuance of general rules under section 16." City of Chicago v. F.P.C., 458 F. 2d 731, 743 (CADC, No. 23740) decided December 2, 1971, cert. denied April 17, 1972.

35. In affirming Permian (supra) the Supreme Court noted (360 U.S., at 772):

> The Commission quite reasonably believed that the terms of any exceptional relief should be developed as its experience with area regulation lengthens. Moreover, area regulation of producer prices is avowedly still experimental in its terms and uncertain in its ultimate consequence; it is entirely

[24] This section of the Act has been broadly construed by the Courts. Mesa Petroleum Co. v. F.P.C., 441 F. 2d 182 (CA5, 1971). In Mesa, the Fifth Circuit stated the Commission's agency discretion is at its zenith when enforcing its regulatory authority. Id. at 187. Compare Niagara Mohawk Power Corp. v. F.P.C., 379 F. 2d 153 (CADC, 1967). See also F.P.C. v. Tennessee Gas Transmission Co., 371 U.S. 145, 150-5 (1962); Superior Oil Co. v. F.P.C. 322 F. 2d 601, 610 (CA9, 1963), Certiorari denied, 377 U.S. 922 (1964), rehearing denied, 377 U.S. 960.

possible that the Commission may later find that its area rate structure for the Permian Basin requires significant modification. We cannot now hold that, in these circumstances, the Commission's broad guarantees of special relief were inadequate or excessively imprecise. (Footnotes omitted).

36. The express purpose of this rulemaking is to provide an alternate procedural framework for producer rate regulation which will stimulate and accelerate domestic exploration and development of natural gas reserves. That some modification is necessary and required under the present circumstance of a serious shortage of natural gas can no longer be denied. Public Service Commission of the State of New York v. F.P.C., CADC, No. 71-1161, decided March 29, 1972; Louisiana Power & Light Co. v. United Gas Pipe Line Co., CA5, No. 71-2550, decided January 14, 1972; F.P.C. v. Louisiana Power & Light Co., U.S. (decided June 7, 1972); Southern Louisiana Area Rate Cases (Austral Oil Co. v. F.P.C.) 428 F.2d 407 (CA5, 1970); Hunt Oil Co. v. F.P.C., supra.

37. Of particular significance to the instant proceedings is the District of Columbia Circuit's recent opinion in Public Service Commission for the State of New York v. F.P.C., supra. In approving the Commission's rule, that a pipeline's advance payments to producers for gas to be delivered at a future date may be included in the pipeline's rate base, the Court stated (Slip op. at 12):

It appears to us that what the FPC is attempting to do in this area is to reach an accommodation of conflicting interests, through experimentation, that will result in the proper alleviation of the gas shortage. In doing so we think that the FPC is making policy decisions of the type it was created to make, and we are reluctant to disturb them. In this very difficult area of ratemaking, when it is uncertain what will be the ultimate agency determination, and when it is as yet unknown what will be the results and ramifications of the experimental policies adopted by the agency, we feel that the FPC has demonstrated, as adequately as can be expected under the circumstances, the basis for its actions, and we may thus defer to the expertise of the FPC in this matter. (Footnotes omitted).

38. Finally, as the Supreme Court said in Permian (390 U.S., at 790)

We must reiterate that the breadth and complexity of the Commission's responsibilities demand that it be given every reasonable opportunity to formulate methods of regulation appropriate for the solution of its intensely practical difficulties.

39. Our action in establishing a procedural framework for Commission action in the field of certificate and rate regulation is taken under our general power of rule making as bestowed by § 553 of the Administrative Procedure Act and section 16 of the Natural Gas Act. Our general statement of policy, and rules of agency procedure and practice here adopted, are not subject to requirements of notice and hearing. § 553(b). In recognition of the significance of the matters here dealth with, however, we sought public comment, thereby providing a hearing, within the meaning of § 553(c) of the Administrative Procedure Act.

40. Certain comments filed in opposition to this rule making suggest that the Commission is abdicating its ratemaking responsibility by permitting producers and purchasers to set rates by private bargain. Such is not the case. Our actions in individual proceedings arising under these new procedures will answer this objection. We will be, as we should be, judged on the proper discharge of our duties on the record made before us in each case.

41. We are firm in our conviction that we must act in an attempt to alleviate the Nation's shortage of natural gas supply, and we believe our action herein to be a reasonable and appropriate measure toward that end. We are mindful that any rate or rates we may find proper under the alternative method of certification we provide for herein will be binding subject only to subsequent findings and determinations that may be made under section 5(a) of the Act, United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332, 344. Contracts approved unconditionally pursuant to the alternative procedure will be free from any later attempt to impose a refund obligation. We believe that such an assurance is an alternative that must be made available, subject to the conditions we attach thereto.

Analysis of Rule

42. As we stated in the notice, issued April 6, 1972, the rule we adopt hereby will not supersede the procedures that have been promulgated in our various rate opinion and orders nor supplant the procedures set forth in Dockets Nos. R-389 and R-389A, but will supplement the procedures set forth in Order No. 431, Docket No. R-418, issued April 21, 1971.

43. Further, the optional procedure will not affect any certificate proceeding which has been completed or is now pending under procedures set forth in the various rate opinions and orders, or under Orders Nos. 402, 402A, 431, or our regulations §§ 157.22 and 157.29.

Comments and Suggestions

44. We shall not attempt to enumerate or discuss each comment received or suggestion made about the proposed new § 2.75 of the Commission's general policy and interpretations, but shall set forth the comments generally, and our conclusions as to them. Our discussion of the lawfulness of our action herein dispenses with any need of discussing the comments made in regard to paragraph (a) of the new § 2.75.

45. Paragraph 10.b.(1). The question asked here concerned clarification as to whether acreage dedicated to an existing contract under an amendment dated on or after April 6, 1972, would be eligible for certification under the optional procedure. Because of the questions asked, it has become apparent that there is some misunderstanding of our intent to apply the optional procedure to supplies of gas not available to the interstate market prior to April 6, 1972. We seek new supplies of gas, whether such new supplies come from new acreage dedications, or from newly drilled wells, or by diversion from other uses. Accordingly, we clarify paragraph 10.b.(1) to make it read:

A contract covering the sale of natural gas in interstate commerce has been executed for gas produced from a well or wells commenced after April 6, 1972; or a contract covering the sale of natural gas in interstate commerce has been executed for gas not previously sold in interstate commerce except under the provisions of Order 402, 418, or 431 issued May 6, and December 10, 1970, April 15, 1971, respectively.

This modification will encourage full development of acreage previously dedicated to the interstate market, as well as encouraging exploration for new reserves. We conclude that expansion of incentives to include all wells commenced after April 6, 1972, the date of our original notice, will greatly encourage additional drilling; to the extent that we bring about additional drilling and production we are securing for the consumer reliable gas supplies not previously deliverable.

In recognizing that prior Commission procedures and policies, which defined the dichotomy between "new" gas and "old" gas on the basis of contract date, have failed to achieve full development of dedicated acreage, we do not intend, nor shall this statement be construed as a release of any dedicated acreage from commitment to the interstate market. Applications tendered under this section covering gas produced from new wells on old acreage shall be treated as an application for certificate amendment and a section 4 rate increase filing.

46. Paragraph 10.b.(2). The comments received requested clarification of the term "All Parties." Some requested that "Signatory parties" be substituted for the words "all parties." However, to limit the obligation to parties who sign the sales contract would establish a loophole where working interest owners by merely declining to sign the sales contract, under which their gas is sold, would be able to obtain all the advantages of the optional procedure for the particular sale without giving up any of the advantages the area rate ceilings would afford them under their existing contracts.

47. Therefore, we shall not restrict the requirement that all parties to the contract, except for parties sharing a royalty interest only, agree. The following revised paragraph shall be adopted:

All parties whose gas is to be sold under the terms and conditions of such contract, except for the royalty interest therein, must agree to the submission of the same for certification in accord with the provision of this section.

48. Paragraph 10.b.(3). In regard to this provision, all of the comments received opposed the 12-year-deliverability-life requirement because it is alleged the requirement is too burdensome and unnecessary. We agree that the 12-year-deliverability requirement should be deleted and shall adopt the following language:

The purchaser under such a contract is a jurisdictional pipeline.

49. Paragraph 10.b.(4). Of the comments received pertaining to this paragraph, the majority requested clarification of the phrase "all obligations." We believe clarification is necessary, and we shall adopt the following language:

The seller under such contract establishes that he has discharged, or is prepared by an acceptable plan or program to discharge, refund obligations prescribed by prior orders or opinions of this Commission. It is provided, however, that any such seller may make the showing here required without prejudice to his claim in any case now pending on judicial review that such obligations were unlawfully imposed by the Commission.

50. Some of the respondents asked if the optional procedure is available to affiliate or subsidiary off-system and on-system sales. We have no intent to exclude such sales. However, we should point out that such sales will be examined by the Commission to assure that the proposed rates are reasonable and in the public interest.

51. Some question was raised as to whether small producers are eligible for certification under the optional procedure. Here again we had no intent to exclude small producers and we see no reason so to do.

52. Paragraph 10.b.(5). The major problem the parties raised with this paragraph is that clarification is necessary. We agree. The following language will, we believe, clarify the paragraph and remain consistent with our amended wording of paragraph 10.b.(1).

The gas covered by the contract offered for certification is produced from a well or wells commenced on or after April 6, 1972; or the gas offered for certification has not been previously sold in the interstate market (unless abandonment has been previously granted or a sale was made under Order 402, 418, or 431), nor has an application been previously filed with the Commission for certification of the sale of such gas, except for an emergency sale under Order 402, 418, or 431.

53. Other questions were raised in regard to paragraph 10.b. First, will the reserves dedicated under the optional procedure count toward discharge of refund obligations under area rate opinions providing for the same? The answer to that question is no. Provisions for the discharge of refund obligations are components of area rate decisions which are still pending on appeal.

54. Second, would gas flowing under warranty contracts qualify hereunder? The succinct answer here is: No. Opening the optional procedure to warranty gas would necessarily involve the Commission in modification of the terms of the warranty.

55. Paragraph 10.c. Two basic points were raised in reference to this paragraph. First, how can the seller certify to conditions relating to the purchaser? The answer is that the seller does not have to certify to any conditions relating to the purchaser. Such certification is the sole responsibility of the purchaser.

56. Second, replies requested clarification of the term "all parties" in the second sentence. The words "all parties" in the second sentence will be qualified by the inclusion of the phrase "except those having a royalty interest only," to conform with the change heretofore noted in paragraph 10.b.(2). Additionally to assist in the clarification of the first question, the following language for the second sentence will be adopted.

* * * Each party to the application shall certify to his portion that all parties to the contract desire certification * * *

57. Paragraph 10.d. The parties asked here (a) if individual company rate cases, all Commission actions, and orders be included under this provision; and (b) would rates established under the optional procedure be recognized by the Commission as a basis for triggering price escalation clauses?

58. In answer to the above questions, and to clarify the provision, we shall adopt the following language:

A certificate of public convenience and necessity issued and accepted under this section shall not be subject to change by determinations or orders whether heretofore made or hereafter to be made in producer or pipeline rate proceedings initiated under section 4 of the Act, and orders issued hereunder shall not constitute establishment of an area rate; provided, however, that nothing herein shall limit the applicability of section 5 of the Natural Gas Act. Nothing done hereunder shall be recognized by the Commission as triggering any existing contract escalation clauses.

59. Paragraph 10.e. The only major substantive question raised by the parties here was whether short-term contracts would be accepted under this rulemaking. We see no reason to provide that only long-term contracts should be permitted under the optional procedure.

60. Paragraph 10.f. Many comments were received relating to this paragraph requesting clarification of the phrase: "indefinite pricing clauses." Many specifically asked if area rate, B.t.u., tax reimbursement, compression and dehydration, and redetermination and renegotiation clauses would be allowed.

61. We have determined that so-called "area rate clauses" should not be allowed because area ceiling rates might then become a floor for all future contracts to be certificated under the optional procedure. Further, redetermination and renegotiation clauses will not be permitted because rates under the optional procedure would, perforce, be continually changing. Other types of clauses should be allowed, and, therefore, the following language is adopted.

No contract shall be accepted for filing if it includes any type of indefinite pricing clause except B.t.u. price adjustment clauses, clauses to reflect changes in State production taxes, and clauses allowing for the recovery of compression and dehydration charges. Indefinite pricing clauses shall include, but are not limited to "area rate or FPC clauses," a "price redetermination or renegotiation clause," or a "special escalation clause."

62. Paragraph 10.g. Certain comments were based on a request that some clarification of the type and nature of factual support was necessary in light of paragraph 2 through 7 of the rulemaking procedure.

63. We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

64. Paragraph 10.h. Most of the comments in regard to this section were made as if paragraph 10.i. were not proposed. We believe that most of the objections would not have occurred if paragraph 10.i. had been read closely. However, even if the information required in this paragraph is not on file with the Commission so that it may be submitted by incorporation, we believe that data will be necessary to properly judge the merits of the contract, and to make a determination of the propriety of the contract rate. Therefore, we shall make no change in this paragraph.

65. Paragraph 10.k. One party filed a comment stating that the standards were not spelled out as to when the Commission would hold a formal hearing. It is impossible at this time to set such specific standards, or to foresee when possible circumstances surrounding future filings may require a formal hearing. Therefore no change in this provision will be made.

66. Paragraph 10.l. One comment was filed in regard to this paragraph asking whether filing under the alternative procedure imputes any implied waiver by the applicants thereunder. Where the waiver of any right may be provided for herein, it is an express waiver. To eliminate any doubt in the rule itself, however, we shall amend this provision to read:

1. A final order of this Commission, issuing a certificate as applied for, or issuing a conditioned certificate acceptable to the applicants, shall constitute a final determination that the rates, charges and services therein specified are just, reasonable and required by the present and future public convenience and necessity.

67. Paragraph 10.m.(2). Virtually all the comments received on this waiver of contingent escalations were firmly opposed and sought elimination of this condition. We are impelled to retain this requirement, with one modification. We strike the phrase "or hereafter issued," thus limiting the waiver to contingent escalations provided for in Opinions 595 (Texas gulf coast) and 598 (southern Louisiana). Thus, only producers with flowing gas production in southern Louisiana or Texas gulf are affected by paragraph 10.m.(2).

68. Our reasons for imposing the conditions are two-fold: First, contingent escalations are a component of area rates. Flowing and new gas prices were established in southern Louisiana and Texas gulf coast with due regard to the incentives which these escalations provided. Both southern Louisiana and

Texas gulf coast (our only opinions which establish contingent escalations) are on appeal.

69. Second, but of equal importance, we offer the procedures herein adopted as an optional procedure to function in parallel with area rate regulation. Were we to cast aside the waiver required in paragraph 10.m.(2), consumers would be injured, and producers in southern Louisiana and in Texas gulf coast (the only producers affected by this waiver) would be afforded an unfair position over producers in all other areas. Such unacceptable results would occur because applications under this section would operate, in the absence of paragraph 10.m.(2), not only on new gas sales but would also operate to escalate old gas prices as well.

70. By retaining paragraph 10.m.(2) we require, in effect, an election by producers with flowing gas in southern Louisiana and Texas gulf coast; they must choose whether contingent escalations on flowing gas provide a sufficient incentive to seek and sell new gas to the interstate market, at area rates, or whether a greater degree of market freedom in the pricing of new supplies offsets the benefit of contingent escalation of flowing gas prices. Requiring this election protects the consumer, as we must, from escalation of both flowing and new gas rates.

71. We cannot, in equity, permit a producer with flowing gas in southern Louisiana or Texas gulf to achieve higher-than-area rate prices for its own new deliveries and still receive price escalations on its flowing gas through the efforts of other producers who elect to remain on area rate pricing for new dedications.

72. The election here required is to be made on a company-by-company basis, with each company's decision to waive southern Louisiana or Texas gulf contingent escalations evidenced by the company's acceptance of its first permanent certificate issued under § 2.75.

73. We emphasize that paragraph 10.m.(2) operates on an area-by-area basis. For example, a producer with flowing gas in southern Louisiana can use the optional procedures for new gas from any other area without waiving his southern Louisiana contingent escalations. Accordingly, while we recognize that paragraph 10.m.(2) may impose a restraint on some producers, under some circumstances, the restraint is necessary and, we believe, required by the public interest.

74. Reserves dedicated hereunder will be allowed to count toward the contingent escalation of flowing gas rates of all other producers operating in the area, if such reserves otherwise qualify for escalation credit under the express terms of Opinions 595 and 598. This is because escalation of flowing gas rates are an industry endeavor in each area where contingent escalations are provided for and is not the function of the discharge of an obligation of any one particular company.

75. We emphasize also that with the exception of the one-time election required by paragraph 10.m.(2), the option between area rate pricing and certification under section 2.75 procedures here provided lies with the producers on a contract-by-contract basis.

76. Paragraph 10.n. The comments received regarding this paragraph concerned the apparent inconsistency regarding notice to the Commission provided for in the first two sentences. The comments are well-taken. The words: "after notice to the Commission" will be stricken from the first sentence, and the second sentence will be changed to read:

Notice of commencement of deliveries shall be given to the Commission within 10 days after deliveries first commence, and shall include all pertinent information concerning the deliveries.

77. Paragraph 10.o. Many comments filed in regard to this provision objected to the area ceiling rate limitation for the period of 6 months after deliveries are commenced in accordance with paragraph 10.n. Such a limitation is, however a reasonable one, since predicated on the assumption that the Commission will have acted by final order within that period of time. The parties may, after the 6-month period and upon the filing of a notice of change in rate by the seller, continue the service at the rates specified in the contract, without refund obligation. Six months is clearly an adequate period for preliminary Staff analysis and review of applications tendered under the optional procedure. Accordingly, by action to deny or condition certificates prior to the expiration of the 6-month period, we can protect against the impact of a nonrefundable rate which is not just and reasonable. To clarify that which has appeared to concern many of those responding to this provision, we shall provide that it will be changed to read:

* * * (If the Commission has not made its final order), the seller upon the filing of a notice of change in rate pursuant to § 154.-94 of the Commission's Regulations shall be entitled to receive without refund obligation and the purchaser shall be entitled to pay, the rates specified in the contract * * *

78. Paragraph 11. A comment was received suggesting that in view of the Commission's intent, stated in the last sentence of the paragraph, to encourage long term, large volume dedications of new supplies of natural gas, the Commission should not accept contracts for less than a minimum term of 20 years. Although it is true that the desired goal of the optional procedure is to obtain long term commitments of gas, we do not believe that contracts for less than 20 years, or life of lease contracts, should be barred. Our consideration of individual applications will reflect due concern for the desirability of long-term dedications.

GENERAL COMMENTS

79. As we have noted above (paragraph 5), natural gas is the cleanest burning, and insofar as is known today, the least polluting of all the fossil fuels. This, of course, is one of the reasons for its present enlarged demand and desirability as a fuel. Indeed, in some of our metropolitan areas, "clean-air" regulations and restrictions have made natural gas not only desirable, but almost a necessity for some commercial and industrial users. The Environmental Protection Agency (EPA) filed its response in this proceeding, stating that in its opinion the optional procedure we provide for herein will be a major step toward elimination of the gas shortage and the Nation's air pollution problem through the addition of new gas reserves.

80. These rules herein adopted are inherently procedural, providing an optional method by which to obtain certification; accordingly, our rulemaking involves no direct impact on the environment (such as construction of facilities would) nor does it indirectly affect the environment through the setting of rates. Questions of environmental concern may be proper at the time of certification, whatever the procedure employed for such certification, but such questions are of no relevance to the establishment of procedural rules.

81. EPA suggests that the pipelines obtaining these additional gas reserves should file volumetric information on the specific end uses to which the gas will be put. This information would be used to insure that the gas would be used to reduce air pollution. EPA recognizes the possibility that it may become necessary for this Commission to allocate the end use of gas and suggests that the data it proposes could be useful to the Commission in such a program. However, most, if not all the gas obtained through the optional procedure will go to supplying existing customers. At this time, we do not foresee the new and expanded services envisioned by EPA.

The Commission further finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty of restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of Part 2, General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter 1, Title 18 of the Code of Federal Regulations, § 2.75 Optional procedure for certificating new producer sales of natural gas, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rule making herein, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) Part 2 of the Commission's General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding new § 2.75, as follows:

§ 2.75 Optional procedure for certificating new producer sales of natural gas.

(a) Notwithstanding any other provisions in the general rules of practice and procedure of the Federal Power Commission, or the regulations under the Natural Gas Act of the Federal Power Commission, applications for certification of future sales of natural gas produced within the United States may, at the option of the signatory parties to sales contracts, be submitted in accordance with the provisions of this section. To the extent that any Federal Power Commission general rules of practice and procedure or regulations under the Natural Gas Act are inconsistent herewith, the same are hereby amended to permit the optional procedure herein set forth.

(b) The provisions of this section shall be available if each of the following conditions exists:

(1) A contract covering the sale of natural gas in interstate commerce has been executed for gas produced from a well or wells commenced after April 6, 1972; or a contract covering the sale of natural gas in interstate commerce has been executed for gas not previously sold in interstate commerce except under the provisions of Orders 402, 418, or 431 issued May 6, and December 10, 1970, April 15, 1971, respectively.

(2) All parties whose gas is to be sold under the terms and conditions of such contract, except for the royalty interest therein, must agree to the submission of the same for certification in accord with the provision of this section.

(3) The purchaser under such contract is a jurisdictional pipeline.

(4) The seller under such contract establishes that he has discharged, or is prepared by plan or program to discharge, refund obligations prescribed by prior orders or opinions of this Commission. It is provided, however, that any such seller may make the showing here required without prejudice to his claim in any case now pending on judicial review that such obligations were unlawfully imposed by the Commission.

(5) The gas covered by the contract offered for certification is produced from a well or wells commenced on or after April 6, 1972; or the gas offered for certification has not been previously sold in the interstate market (unless abandonment has been previously granted or a sale was made under Orders 402, 418, or 431), nor has an application been previously filed with the Commission for certification of the sale of such gas, except for an emergency sale under Orders 402, 418, or 431.

(c) If all of foregoing conditions precedent exist, the parties to the contract may tender the same to the Commission and request the issuance of a certificate of public convenience and necessity to the seller for sales of natural gas thereunder. Each party to the application shall certify to his portion that all parties to the contract, except those having a royalty interest only, desire certification in accordance with the terms and provisions of this section, that the seller expressly agrees to the waivers and elections hereinafter provided for in paragraphs (m) and (o) of this section, and that all conditions precedent as set forth in paragraph (b) of this section are met.

(d) A certificate of public convenience and necessity issued and accepted under this section shall not be subject to change by determinations or orders whether heretofore made or hereafter to be made in producer or pipeline rate proceedings initiated under section 4 of the Act, and orders issued hereunder shall not constitute establishment of an area rate: *Provided, however,* That nothing herein shall limit the applicability of section 5 of the Natural Gas Act. Nothing done hereunder shall be recognized by the Commission as triggering any existing contract escalation clauses.

(e) Applications presented hereunder will be considered for permanent certification, either with or without pregranted abandonment, notwithstanding that the contract rate may be in excess of an area ceiling rate established in a prior opinion or order of this Commission.

(f) No contract shall be accepted for filing if it includes any type of indefinite pricing clause except B.t.u. price adjustment clauses, clauses to reflect changes in State production taxes, and clauses allowing for the recovery of compression and dehydration charges. Indefinite pricing clauses shall include, but are not limited to "area rate or FPC clauses," a "price redetermination or renegotiation clause," or a "special escalation clause."

(g) A seller-applicant under this section shall state the ground for claiming that the present or future public convenience and necessity require issuance of a certificate on the terms proposed in the application, and shall provide factual support for such claims. The application shall contain a contract summary as prescribed in § 250.5 of this title under the Natural Gas Act.

(h) The purchaser under a contract filed under this section shall certify that the present or future public convenience and necessity require issuance of a certificate to the seller, and shall provide information in support of such certification with respect to the purchaser's (1) system-wide supply, (2) present and estimated 3-year peak day and average day demands, (3) present and estimated 3-year requirements of customers on its system, (4) deliverability life, (5) implementation, if any of curtailment plans, (6) emergency purchases of gas under Order 431, or § 157.22 or § 157.29 of these regulations, and (7) purchases of LNG or attachment of other supplemental supplies.

(i) The information required by paragraphs (g) and (h) may be submitted by cross-reference and incorporation of information already on file with the Commission.

(j) Applications requesting issuance of certificates of public convenience and necessity as authorized in this section shall be processed in accordance with the procedural requirements, including those relating to notice, intervention, and hearing, set out in Part 157 of this chapter of the Commission's regulations under the Natural Gas Act.

(k) 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 statutory hearing will be held before the Commission without further notice on all applications for certificates under this section in which no petition to intervene in opposition is filed within the time required, if the Commission on its own review of the matter believes that a grant of a certificate is required by the public convenience and necessity. Where the Commission believes that a formal hearing is required notice of such hearing will be duly given.

(l) A final order of this Commission, issuing a certificate as applied for, or issuing a conditioned certificate acceptable to the applicants, shall constitute a final determination that the rates, charges, and services therein specified are just, reasonable, and required by the present and future public convenience and necessity.

(m) By acceptance of a certificate issued hereunder, the seller-applicant unconditionally agrees to (1) waive all rights to seek future rate increases under section 4 of the Natural Gas Act with respect to the contract submitted, other than price escalations, if any, as certificated by the Commission; and (2) waive all rights to contingent adjustment of flowing gas rates as provided by the Commission in area-rate decisions heretofore decided, for flowing gas which the seller-applicant produces in the same geographical pricing area as the pricing area of the production covered by the application made under this Section.

(n) Upon the filing of an application under this section, deliveries pursuant to the provisions of the tendered contract may be commenced, pending review of such application by the Commission. Notice of commencement of deliveries shall be given to the Commission within 10 days after deliveries first commence, and shall include all pertinent information concerning the deliveries. Any such deliveries so commenced may be terminated (1) if such contract for any reason shall terminate or be terminated prior to the issuance by the Commission of a final order upon review of such application, or (2) upon the issuance of a certificate containing conditions unacceptable to the party adversely affected. If the Commission by final order shall deny such application, or if the party or parties to the contract adversely affected

shall not accept the terms and conditions prescribed by the Commission, deliveries thereunder shall be terminated. Within 30 days after termination of deliveries, the seller shall notify the Commission of such termination, and shall report the date of termination, volumes delivered, and revenues received.

(o) If the parties elect to commence deliveries as set forth in paragraph (n), of this section, such deliveries will be made at rates no higher than the prevailing area ceiling rate and shall so continue for 6 months unless the Commission has made its final orders on the application at an earlier date; at the end of such 6-month period (if the Commission has not made its final order), the seller upon the filing of a notice of change in rate pursuant to § 154.94 of this chapter of the Commission's regulations shall be entitled to receive without refund obligation and the purchaser shall be entitled to pay, the rates specified in the contract, and such contract rates shall continue as the effective rates until the Commission enters its final order on the certificate application.

(B) The amendment provided for herein shall be effective as of the date of issuance of this order (8–11–72).

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72–12624 Filed 8–10–72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2530]

INDIAN ALLOTMENTS

Proposed Eligibility

The purpose of this amendment is to clarify the regulations concerning Indian allotments.

The present language is misleading because it indicates that a certificate issued by the Bureau of Indian Affairs showing that the applicant is an Indian entitles the applicant to an allotment. However, it has been determined that a certificate of eligibility does not vest an Indian with a right to an allotment but merely indicates that he is eligible for one ("Finch v. U.S.", 387 F. 2d 13 (10th Cir. 1967), cert. denied 390 U.S. 1012 (1968)). Therefore, in Subpart 2531 the words "eligible for" are substituted for "entitled to" wherever they appear in regard to the submitting of a certificate showing that the applicant for an allotment is an Indian.

The regulations also imply that public lands, including those in national forests, are open to settlement. These lands are not open to settlement unless they have been so classified. Therefore, § 2530.0–3 has been revised to so state.

Rules under § 2531.3(a) governing allotment applications filed prior to September 23, 1913, are deleted. Several word changes in Subpart 2531 have been made for clarification.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C., until September 11, 1972.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Part 2530 of Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

1. The second paragraph of paragraph (b) of § 2530.0–3 is designated as paragraph (c) and revised to read as follows:

§ 2530.0–3 Authority.

* * * * *

(c) *Executive Order 6910 and 6964, Taylor Grazing Act of June 28, 1934.* Public land withdrawn by Executive Orders 6910 and 6964 of November 26, 1934, and February 5, 1935, respectively, and land within grazing districts established under Section 1 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315), is not subject to settlement under Section 4 of the General Allotment Act of February 8, 1887, as amended, until such settlement has been authorized by classification. See Parts 2410, 2420, and 2430 of this chapter.

§§ 2531.1 and 2531.3 [Amended]

2. Subpart 2531 is corrected as follows: In § 2531.1(d) the words "entitled upon application to have" are changed to read "eligible upon application for." In lines 2 and 7 of § 2531.1(b), lines 17 and 18 of § 2531.1(d), line 4 of § 2531.1(e)(2) and line 12 of § 2531.2(a) the words "entitled to" are changed to read "eligible for." In line 12 of § 2531.1(d) and line 9 of § 2531.1(e)(2) the word "entitled" is changed to read "eligible."

3. In § 2531.1(e)(1) the words "white man or other person not entitled to an allotment" are changed to read "non-Indian not eligible for an allotment."

4. In § 2531.2 the words "manager of the land office for the district in which the land is situated" are changed to read "authorized officer."

5. Section 2531.3 is revised to read as follows:

§ 2531.3 Effect of application.

(a) Where an allotment application under the fourth section of the Act of February 8, 1887, as amended, 25 U.S.C. 334 (is not accompanied by the requisite certification from the Bureau of Indian Affairs showing the applicant to be eligible for an allotment, and the applicant is given time to furnish such certificate, the application does not segregate the land, and other applications therefor may be received and held to await final action on the allotment application.

(b) Where an allotment application is approved by the authorized officer, it operates as a segregation of the land, and subsequent application for the same land will be rejected.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 7, 1972.

[FR Doc.72–12632 Filed 8–10–72;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 61]

STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

Elimination of Linters Factor

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture proposes to amend § 61.102 of the standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States (7 CFR 61.102) under the authority contained in the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.). The proposed amendment would eliminate linters as a factor in the determination of grades of cottonseed under these standards.

Statement of considerations. The grading of cottonseed is a voluntary program conducted under the Agricultural Marketing Act of 1946. Under the standards for grades of cottonseed now in effect both a quality index and a quantity index are used in determining grades. The quantity index is a measure of the amount of oil, linters, and protein available from the seed. The quality index is a measure of the amount of foreign matter, moisture, and free fatty acids in the seed.

The linters factor in the standards reflects the value in the cottonseed attributable to the linters content of the cottonseed. Linters were added to the factors for determining the quantity index in the early 1950's. At that time the relative value of linters compared to the other products (oil and protein) available from cottonseed was high enough to warrant inclusion of linters as a factor in grading. The price of linters has now declined to the point where the relative weight assigned to the linters factor in the quantity index formula is of little significance in determining the grade and resulting value of cottonseed.

Other considerations leading to the proposal to eliminate linters as a factor in the standards for grades are:

1. The linters determination adds to the cost of grading cottonseed as the present cost for a linters determination is about $1 per sample.

2. Cottonseed crushers in many cotton-producing States have always been opposed to the linters factor in the standards and this has discouraged official grading of cottonseed in these States.

The Agricultural Marketing Service has discussed the proposal to eliminate linters from the standards with the Seed Grading Committee of the National Cottonseed Products Association. The Committee favors the proposal.

It is proposed that the amendment would become effective about September 4 since the marketing season for cottonseed for crushing purposes is already underway in the early cotton producing areas and it is imperative that the amendment be effective for grading purposes as soon as possible, if adopted.

Section 61.102 would be amended to read as follows:

§ 61.102 Determination of quantity index.

The quantity index of cottonseed shall equal 4 times (percentage of oil) plus 6 times (percentage of ammonia), plus 5.

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 22, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 8, 1972.

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

[FR Doc.72-12697 Filed 8-10-72;8:52 am]

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Reserve Fund and Budget of Expenses and Rate of Assessment

Notice is hereby given that the Department is giving consideration to the proposals, hereinafter set forth, concerning the reserve fund, budget, and rate of assessment, submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., as the agency to administer the terms and provisions thereto. This regulatory program is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

The proposals are as follows:

§ 926.201 [Deleted]

1. Section 926.201 *Reserve fund* is deleted in its entirety.

2. A new § 926.212 *Expenses, rate of assessment, and carryover of unexpended funds* is added reading as follows:

§ 926.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1972, through March 31, 1973, will amount to $44,600.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at five cents ($0.05) per standard package or equivalent quantity of grapes.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the season ended March 31, 1972, shall be carried over as a reserve in accordance with the applicable provisions of § 926.47.

(d) *Terms.* Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

Dated: August 7, 1972.

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

[FR Doc.72-12648 Filed 8-10-72;8:48 am]

Animal and Plant Health Inspection Service

[9 CFR Part 305]

FEDERAL MEAT INSPECTION

Withholding for Threats of Forcible Assault

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.), and delegated (29 F.R. 16210, as amended, 37 F.R. 6327 and 6505), and in accordance with the administrative procedure provisions in 5 U.S.C. 553, the Animal and Plant Health Inspection Service proposes to amend the Federal meat inspection regulations (9 CFR 305.5) as indicated below.

Statement of considerations: The Secretary of Agriculture has the responsibility under the Act to provide inspection for cattle, sheep, swine, goats, and equines and carcasses, parts of carcasses, and meat food products thereof intended for human food and prepared for distribution interstate or otherwise in "commerce" as defined in the Act. This vital function can only be carried out when inspection personnel work under circumstances where they can concentrate fully on their inspection duties without having their attention diverted. This situation cannot exist where tension and other mental distractions occur. There is no intent on the part of the Department to deny inspection service to any official establishment without cause.

Section 305.5 of the meat inspection regulations would be amended by changing paragraph (b) to read as follows:

§ 305.5 Withdrawal of inspection; statement of policy.

* * * * *

(b) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator to the extent it is determined necessary to avoid impairment of the effective conduct of the inspection service when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any inspection service employee in or on account of the performance of his official duties under the Act, unless promptly upon the incident being brought by an authorized supervisor of the inspection service employee to the attention of the operator of the establishment the operator (1) satisfactorily justifies the incident, (2) takes effective steps to prevent a recurrence, or (3) provides acceptable assurance that there will not be any recurrences. Such suspension shall remain in effect until one of such actions is taken by the operator: *Provided,* That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, within the 60-day period. A transcript will be made of all views orally presented and will be filed in the Office of the Hearing Clerk.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on August 8, 1972.

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

[FR Doc.72-12691 Filed 8-10-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

ANTHELMINTIC DRUGS FOR USE IN ANIMALS

Proposed Statement of Policy Concerning Labeling

The Commissioner of Food and Drugs has determined that, in order to assure that anthelmintic drugs which do not carry the prescription statement are labeled to provide adequate directions for their effective use, the labeling of such products should include, among other things, a statement that a satisfactory diagnosis should include a microscopic fecal examination performed by a veterinarian or a diagnostic laboratory prior to worming. This additional proposed requirement is based upon the fact that parasites inhabiting the host digestive tract produce ova and larvae, primarily of microscopic size, that leave the body of the host by way of the feces. These parasitic forms seen in the feces have a characteristic morphology which is diagnostic for a particular species or group of closely related parasites. The various intestinal parasites differ substantially in sensitivity to different anthelmintic drugs. The lay person generally has neither the equipment nor the experience necessary to isolate and differentiate these parasites, which may be present in animals. This knowledge is essential to the selection of an efficacious anthelmintic, and under these circumstances a microscopic fecal examination by a veterinarian or a diagnostic laboratory is desirable.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 512, 701(a), 52 Stat. 1051, 1055, 82 Stat. 343–51; 21 U.S.C. 352(f), 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended by adding the following new section:

§ 135.111 Anthelmintic drugs for veterinary use.

(a) The Commissioner of Food and Drugs has determined that, in order to assure that anthelmintic drugs which do not carry the prescription statement are labeled to provide adequate directions for their effective use, labeling of these anthelmintic drugs should bear (in addition to the other required information) a statement that a satisfactory diagnosis should include a microscopic fecal examination performed by a veterinarian or diagnostic laboratory prior to worming.

(b) The labeling on or within the package from which the drug is to be dispensed, and any other labeling furnishing or purporting to furnish information for the use of the preparation, should bear conspicuously the following statement: "For a satisfactory diagnosis, a microscopic fecal examination should be performed by a veterinarian or diagnostic laboratory prior to worming."

(c) Labeling revisions required for compliance with this section should be placed into effect at the earliest possible time and, in any case, within 1 year following the date of final promulgation of this statement of policy in the FEDERAL REGISTER. Following that time, any such products that are then on the market and not in compliance with this section will be subject to regulatory proceedings.

(d) For drugs covered by approved new animal drug applications, the labeling revisions required for compliance with this section may be placed into effect without prior approval as provided for in § 135.13a (d) and (e) of this chapter. In any event, within 1 year following the date of final promulgation of this statement of policy in the FEDERAL REGISTER. New animal drug applications (NADA's) must be supplemented to provide for such labeling revisions, or else the NADA's will be subject to proceedings pursuant to section 512(e) of the act.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–12618 Filed 8–10–72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 93]

[Docket No. 11800; Reference Notice 72–8]

PEARSON AIRPARK TRAFFIC AREA

Withdrawal of Proposed Establishment of Separate Traffic Pattern for Helicopters

The purpose of this notice is to withdraw Notice 72–8 (37 F.R. 5825) in which the Federal Aviation Administration solicited comments on a proposed amendment of Part 93 of the Federal Aviation Regulations that would establish a separate traffic pattern for helicopters at Pearson Airpark, Vancouver, Wash.

There were six comments received in response to Notice 72–8. Two concurred with the proposal; three were opposed; and one was noncommittal.

The principal objection, stated by helicopter pilots, was that the proposed helicopter pattern to be flown south of the airport at 300 feet, is much too low in case a forced landing should become necessary. For example, the Department of the Army requires a minimum of 700 feet AGL pattern altitude to provide for emergency situations. The 300-foot pattern was proposed because a higher altitude would conflict with aircraft following the ILS to Portland Airport. Because the 300-foot pattern is unacceptable and a higher altitude is not feasible, the pattern cannot be flown south of the airport.

Since the anticipated increase in helicopter operations at Pearson Airpark did not materialize, it is believed that the proposed pattern is not now necessary. The FAA has been advised that the number of helicopters operating at Pearson is not large and Portland Tower has the capability to handle each flight individually so that general rule making is not necessary. Considering the existing low volume of helicopter flights at Pearson and the pattern flexibility which can be effected by Portland Tower, there is no need to proceed further with the proposal.

By reason of the foregoing, the FAA has determined that rule making is not appropriate at the present time, and that Notice 72–8 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (37 F.R. 5825) on March 22, 1972, and circulated as Notice No. 72–8, entitled "Pearson Airpark Traffic Area, Proposed Establishment of Separate Traffic Pattern for Helicopters" is hereby withdrawn.

This withdrawal is issued under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 4, 1972.

RAYMOND G. BELANGER,
Acting Director, Air Traffic Service.

[FR Doc.72–12647 Filed 8–10–72;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 71–18; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Tires for Vehicles Other Than Passenger Cars; Effective Date and Extension of Comment Period

In the notice of July 8, 1972, 37 F.R. 13481, the proposed effective date was inadvertently omitted. The following should be inserted before the paragraph beginning, "Interested persons":

Proposed effective date: September 1, 1973.

In addition, the Rubber Manufacturers Association has requested a 45-day extension of time to comment, to provide them sufficient time for analysis and testing. The comment period is accordingly extended from August 25, 1972, to October 9, 1972.

This notice is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on August 4, 1972.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-12689 Filed 8-10-72;8:52 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[Docket No. 72-893]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Variable Interest Rate Mortgage Loans

JULY 28, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Subchapter C, Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the purpose of authorizing Federal savings and loan associations to make installment loans containing new variable interest rate provisions in their loan contracts. Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 541 and 545 as follows:

1. Amend said Part 541 by revising paragraph (a) of § 541.14 to read as follows:

§ 541.14 Installment loan; partially amortized monthly installment loan.

(a) *Installment loan.* The term "installment loan" means any loan (1) repayable in regular periodic payments sufficient to retire the debt, principal and interest, within the contractual loan term, and (2) with no payment of principal and interest after the first such payment required to be more than any preceding such payment, except in the case of a loan with a variable interest rate provision meeting the requirements of paragraph (b) of § 545.6-11 of this subchapter.

* * * * *

2. Amend said Part 545 by designating the present provisions of § 545.6-11 as paragraph (a) of said section, by providing a heading for said paragraph (a), and by adding, immediately after said paragraph (a), a new paragraph (b), to read as follows:

§ 545.6-11 Loan contract.

(a) *General.* * * *

(b) *Variable interest rate provisions.* (1) A loan contract may contain a provision under which the interest rate on the loan may be adjusted from time to time subject to pertinent State usury rate limitations. Any maximum loan term specified in this part (other than the 30-year maximum term fixed by § 545.6-16 of this subchapter) may be exceeded as a result of interest rate adjustments made pursuant to such provision but no such adjustment may cause a loan term to exceed 35 years.

(2) The requirements of this subparagraph shall apply only to a loan secured by a single family dwelling. Each variable interest rate provision contained in a loan contract shall:

(i) Tie any adjustment of the interest rate on the loan to changes of a specified degree related to a specified published financial standard or index or to the association's weighted average cost of funds, with decreases of such rate mandatory and increases of such rate at the option of the holder of the note, bond, or other instrument evidencing the loan; it may also provide (*a*) that failure to invoke a permissible increase, in whole or in part, shall not be deemed a waiver of the holder's right to invoke said increase thereafter, and (*b*) that, if a permissible increase in interest rate has not been invoked and thereafter there is a decrease in such standard, index, or cost, the amount of the mandatory decrease may be reduced by the amount of such increase not theretofore invoked;

(ii) State the manner in which such adjustments of interest rate will be made, which may take the form of (*a*) changes in the amount of the regular periodic payment, (*b*) changes in the loan term, up to a 35-year maximum term calculated from the original date of the loan, or (*c*) any combination of such changes in payment and term;

(iii) Require that any such adjustment of interest rate may become effective only on the due date of a regular periodic payment occurring not less than 30 days after notice of such adjustment has been given to the borrower; such notice shall specify (*a*) the amount of such adjustment in interest rate, (*b*) the effect of such adjustment on the regular periodic payment and/or loan term, (c) the effective date of such adjustment, and (*d*) the prepayment rights of the borrower provided in subdivision (iv) of this subparagraph; and

(iv) Grant the borrower the right, in the event of any increase in the interest rate on the loan, to prepay the loan in full, within 60 days of the effective date of any such increase, without any prepayment privilege fee or similar charge.

(v) As used in subdivision (i) of this subparagraph, the term "weighed average cost of funds" means the percentage obtained by dividing (*1*) the sum of the total amount of interest or dividends paid or accrued on savings accounts and the total amount of interest paid or accrued on borrowed money from all sources (including subordinated debentures) for the immediately preceding fiscal quarter, by (2) the sum of the mean arithmetic average savings account balances and borrowed money balances from all sources (including subordinated debentures) during the immediately preceding fiscal quarter.

(vi) The notice of adjustment of interest rate required under subdivision (iii) of this subparagraph shall be deemed given when it is deposited in the United States mail, postage prepaid, addressed to the current owner of the property described in the loan contract and any other person personally liable on the loan, as those persons' names and addresses appear on the records of the sender of the notice, at the time of giving the notice.

(vii) In addition to satisfying the requirements of Federal Reserve System Regulation Z (12 CFR § 226.8), the association shall cause the note, bond, or other instrument evidencing a loan with a variable interest rate provision, and such loan's security instrument, to set forth the text of such provision in its entirety.

(viii) Any Federal association which offers loans with a variable interest rate provision shall also advise loan applicants of the availability of loans with a fixed interest rate at such association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by September 11, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-12654 Filed 8-10-72;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 120, 141, 201, 204, 205, 221, 260]

[Docket No. R-449]

UNIFORM SYSTEM OF ACCOUNTS

Outdated Accounting Orders

AUGUST 8, 1972.

Accounting for acquisition adjustments and revocation and amendment of outdated accounting orders, Docket No. R-449.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1972:

A. An account in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. An account in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. An account in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Regulations Under the Federal Power Act, Subchapter B, Chapter I, Title 18, CFR.

E. An account in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

F. An account in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

G. An account in the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

H. Regulations Under the Natural Gas Act, Subchapter E, Chapter I, Title 18, CFR.

The Commission proposes to amend its Uniform Systems of Accounts to allow the disposition of electric and gas plant acquisition adjustments (debit amounts) over the remaining life of the related properties acquired. Such amounts are recorded in account 114, Electric (Gas) Plant Acquisition Adjustments, of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies (Classes A, B, and C), and in account 396, Electric (Gas) Plant Acquisition Adjustments, of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies (Class D), representing the excess of the cost to the utility of utility plant acquired as an operating unit or system over the net original cost of such plant. This proposed change would revise paragraph C of Account 114, in that it requires that all debit acquisition adjustments are to be amortized to Account 425, Miscellaneous Amortization, unless authority is granted to do otherwise. Previously, amounts recorded in Account 114 were amortized or otherwise disposed of as the Commission may approve or direct. The provision that credit acquisition adjustments are to be accounted for as directed by the Commission is unchanged.

Section 120.4 of Part 120 of the Commission's Regulations Under the Federal Power Act, and § 221.2 of Part 221 of the Commission's regulations under the Natural Gas Act, dealing with the subject of disposition of acquisition adjustments, are now outdated, from the standpoint of both time and current practice. These sections of the regulations directing the disposition of acquisition adjustments provide for either a charge to Earned Surplus (now Retained Earnings), an option eliminated with the advent of the "all inclusive income statement" concept (Commission Order 389, Docket No. R–344), or amortization over a "reasonable period" by charges to account 537 (now 425), Miscellaneous Amortization. In recent years amortization periods actually authorized by the Commission have rarely exceeded 5 years. It is proposed that these sections of the regulations be revoked (along with certain other outdated sections—see below), and that the Commission's policy as to the disposition of acquisition adjustments be reflected in the texts of the acquisition adjustment accounts of the Uniform Systems of Accounts. As noted above, the proposed policy is to allow the disposition of debit acquisition adjustments over the lives of acquired properties. It is further proposed that acquisition adjustments related to land be amortized over a period of not more than 15 years.

For companies over which the Commission has substantial rate jurisdiction, an acquisition adjustment normally has no value in the production of revenues. This is so for most of the natural gas pipeline industry. However, for the electric industry, over which the Commission has little rate jurisdiction, and for pipelines engaged in the distribution of gas, amounts paid in excess of net original cost may have an earning capacity and consequently value, as there are a number of States that employ other than an original cost rate base.

Some natural gas pipeline companies, whose rates are subject to the jurisdiction of the Commission and who are not allowed to earn on acquisition adjustments, have suggested that if acquisition adjustments are allowed to remain on their books, bondable property bases will be increased and this will be beneficial to the company and the consumers even though no revenues flow from the acquisition adjustments.

From an accounting standpoint, to the extent that the excess acquisition cost represents payment for tangible assets, the principle of matching costs and revenues would dictate amortization over the lives of acquired properties. In any event, as the excess cost of such properties may be presumed to relate to those properties in some way, and presumably future benefits are expected to be derived as the result of incurring the excess cost, it appears reasonable to allow the amortization of such cost, or acquisition adjustment, over the lives of the properties for a partial matching of revenues and expenses rather than requiring it to be disposed of over some completely arbitrary period.

With regard to the tax reductions from depreciating an acquisition adjustment for tax purposes, no amount of the adjustment should be allowed to be amortized to operating expense to offset such reductions as we authorized in the past, as the tax reductions will be reflected in account 409.2, Income Taxes, Other Income and Deductions. Account 409.2 is a below-the-line account and, therefore, it would be incorrect for a company to amortize any offsetting amounts to an above-the-line account (account 406, Amortization of Electric (Gas) Plant Acquisition Adjustments).

The Commission does not propose to change its policy of directing the disposal of credit acquisition adjustments arising from the acquisition of properties by utilities at a cost less than net original cost.

It is further proposed that certain sections of Part 120 of the regulations under the Federal Power Act, Miscellaneous Accounting Orders, be revoked as having become obsolete. This part has remained in the regulations, unchanged, since their codification in 1947.

Section 120.1, *Suspension of keeping account 901 where separate account for each associated company is maintained.* When the present Uniform System of Accounts prescribed for Public Utilities and Licensees (Class A and Class B) was revised in 1965, account 901, Charges by Associated Companies—Clearing, was deleted. Consequently, this section is no longer relevant.

Section 120.2, *General Instruction 12 of the Uniform System of Accounts.* This section related to General Instruction 12 of the Uniform System of Accounts in effect January 1, 1937 (revised to September 1, 1957). It allowed plant records on transmission lines "of the same voltage and same general type of construction and operated under similar conditions," to be grouped as a single plant. The present General Instruction 12 of the Uniform System of Accounts now clarifies this matter by allowing appropriate grouping of transmission lines.

Section 120.3, *Electric Plant Instruction 2D, Uniform System of Accounts.* This section specifies the details of carrying out the requirements of electric plant instruction 2D, in the Uniform System of Accounts which was in effect January 1, 1937 (revised to September 1, 1957), for classifying electric plant as of the effective date of the above referenced System of Accounts. While the statements required under this section, providing for the classification of plant on an original cost basis and for other information, must be submitted by a company when it becomes subject to the jurisdiction of the Commission, the electric plant instructions no longer include the provisions of the original Instruction 2D, which related to the classification of plant of utilities subject to the Commission's jurisdiction when the Uniform System of Accounts was promulgated. Such classification was to have been completed not later than 2 years after the effective date of the System of Accounts. While Instruction 2D in itself had no relevancy after that 2-year period, it was not deleted from the System of Accounts until 1961. As noted, the regulations contain the provisions as to the statements which are required to be filed when a company becomes jurisdictional. Therefore, it is proposed that the section of the regulations containing these provisions be retitled and relocated, with minor amendments, in the

part of the regulations setting out the other statements and reports required by the Commission.

Section 120.4, *Electric plant acquisition adjustment accounts.* This section was intended to clarify treatment of acquisition adjustments recorded in account 100.5, Electric Plant Acquisition Adjustments, of the Uniform System of Accounts which was in effect January 1, 1937 (revised to September 1, 1957). As noted above, this section is now outdated and the accounting treatment of acquisition adjustments should be specified in the appropriate account texts of the Uniform Systems of Accounts, as proposed.

It is proposed that one section of Part 221 of the Regulations Under the Natural Gas Act, Miscellaneous Accounting Orders, be revoked as having become obsolete. This part has remained in the regulations, unchanged, since their codification in 1947. The other section of this part is to be retitled and relocated.

Section 221.1, *Gas Plant Instruction 2D, Uniform System of Accounts.* This section specifies the details of carrying out the requirement of gas plant instruction 2D, in the Uniform System of Accounts which was in effect January 1, 1940, for classifying gas plant as of the effective date of the above referenced System of Accounts. This section is to be retitled and relocated, in accordance with the discussion above concerning § 120.3 of the regulations under the Federal Power Act.

Section 221.2, *Disposition of gas plant acquisition adjustments.* This section is no longer relevant for the same reason as previously explained under § 120.4 of regulations under the Federal Power Act.

The proposed amendments to the Commission's Uniform Systems of Accounts and regulations under the Federal Power Act would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 208, 301, 304, 308, and 309 (41 Stat. 1063, 1065; 49 Stat. 853, 854, 855, 858; 16 U.S.C. 796, 797, 824g, 825c, 825g, 825h).

The proposed amendments to the Commission's Uniform Systems of Accounts and regulations under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 6, 8, 10, and 16 (52 Stat. 824, 825, 826, 830; 15 U.S.C. 717e, 717g, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 22, 1972, data, views, comments or suggestions in writing concerning the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The Staff, in its discretion, may grant or deny requests for conference.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "114, Electric Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 will read:

114 Electric plant acquisition adjustments.

* * * * *

C. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The following is a proposed amendment to the Uniform System of Accounts for Class C Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "114, Electric Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 will read:

114 Electric plant acquisition adjustments.

* * * * *

C. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(C) The following is a proposed amendment to the Uniform System of Accounts for Class D Public Utilities and Licensees in Part 105, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "396, Electric Plant Acquisition Adjustments," by revising paragraph B. As so amended, account 396 will read:

396 Electric plant acquisition adjustments.

* * * * *

B. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 120—MISCELLANEOUS ACCOUNTING ORDERS

(D) It is proposed to revoke Part 120, "Miscellaneous Accounting Orders," of Chapter I, Title 18 of the Code of Federal Regulations.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(E) It is proposed to amend Part 141 of Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 141.200, to read as follows:

§ 141.200 Original cost statement of utility property.

Any public utility or licensee becoming subject to the jurisdiction of the Commission shall file, insofar as applicable, the following statements properly sworn to by the officer in responsible charge of their compilation:

STATEMENT A

Statement A showing in outline the origin and development of the company including particularly a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each acquisition of an electric operating unit or system.

STATEMENT B

Statement B showing for each acquisition by the reporting company or any of its predecessors of an electric operating unit or system, the original cost, estimated, if not known, the cost of such company and the amount entered in the books in respect

thereto as of the date of acquisition. If the depreciation, retirement, or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts should be made. The difference between the original cost and the amount entered in respect thereto of each acquisition of an electric operating unit or system, as of the date of acquisition, should be clearly stated, and a summary of all transactions affecting such difference through the end of the calendar year prior to the year in which the filing is made, and the resultant amount at the latter date, should be set forth. The amount to be included in account 114, Electric Plant Acquisition Adjustments, shall be subdivided so as to show the amounts applicable to (a) electric plant in service, (b) electric plant leased to others, and (c) electric plant held for future use. Whenever practical, such amount shall be classified according to nature, i.e., going value, structural value, etc.

Where estimates are used in arriving at original cost or the amount to be included in account 114, a full disclosure of the method and underlying facts should be given. The method of determining the original cost of the electric plant acquired as operating units or systems should be described in sufficient detail to permit a clear understanding of the nature of the investigation which were made for that purpose.

STATEMENT C

Statement C showing any amounts arrived at by appraisals in the electric plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should give the full journal entry at the time the appraisal was originally recorded and if the entry had the effect of appreciating or writing up the electric plant account, the amount of the appreciation or write-up should be traced, by proper description and explanation of changes, from the date recorded through the end of the calendar year prior to the year in which the filing is made.

STATEMENT D

Statement D showing electric plant as classified in the books of account immediately prior to reclassification in accordance with the Uniform System of Accounts, including, under a descriptive heading, any unclassified amounts applicable jointly to the electric department and other departments of the utility.

STATEMENT E

Statement E showing summary of adjustments necessary to state accounts 101, 103–107, 114, and 116, as prescribed in the Uniform System of Accounts.

STATEMENT F

Statement F showing electric plant classified according to the accounts prescribed in the Uniform System of Accounts, and showing also the amount includible in account 116, Other Electric Plant Adjustments.

STATEMENT G

Statement G giving a comparative balance sheet showing the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made.

STATEMENT H

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing in whole or in part of the amounts includible in account 114, Electric Plant Acquisition Adjustments, and account 116, Other Electric Plant Adjustments.

STATEMENT I

Statement I; giving the following statistical information relative to electric plant.

PRODUCTION PLANT

Steam production. Separately for each steamplant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 310 to 316, of each steam production plant.

Hydraulic production. Separately for each hydroplant: Name of plant, date of construction, capacity of reservoirs (acre feet), nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 330 to 336, of each hydraulic production plant.

Internal combustion engine production. For each internal combustion engine plant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 340 to 346, of each internal combustion engine production plant.

TRANSMISSION PLANT

Overhead transmission lines. For each overhead transmission line or for each group of transmission lines of the same voltage, same general type of construction and same number of circuits per structure; the voltage, length in miles, type of construction, kind and size of conductor. The original cost, where available, by accounts 350, 352, 354, 355, 356, and 359, of each such line or group of lines.

Underground transmission lines. For each underground transmission line or for each group of transmission lines of the same voltage, same general type of construction and same number of circuits per structure: The voltage length in miles and type of construction. The original cost, where available, by accounts 350, 352, 357, 358, and 359, of each such line or group of lines.

Transmission substations. For each substation: Function, capacity (kv.-a.), high and low voltages of transformers, description and capacity of special items of equipment.

DISTRIBUTION PLANT

Overhead system.[1] Number of pole and circuit miles, number of active meters or services connected (if available), description and number of each type of pole or tower.

Underground system.[2] Number of circuit miles, number of active meters or services connected (if available), description of type of construction and general statement of any special construction problem.

Distribution substation. General description of number, capacity (kv.-a.) and high and low voltages of transformers.

Line transformers. Number and capacity.

Street lighting and signal systems. Description and number of each type of street lighting standard, number and wattage of lamps, and description of signal system.

[1] If number of active meters or services is not available separately for overhead and underground systems, report totals.

[2] To be shown on the original when tendered for filing with the Commission of every paper as specified in § 1.17(b) of this chapter.

GENERAL PLANT

Description of principal sructures and improvements.

Number and type of transportation vehicles and appurtenant equipment.

Description of store, shop, and laboratory equipment.

Description of communication equipment.

Description of miscellaneous equipment.

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(F) The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "114, Gas Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 will read:

114 Gas plant acquisition adjustments.

* * * * *

C. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

(G) The following is a proposed amendment to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "114, Gas Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 will read:

114 Gas plant acquisition adjustments.

* * * * *

C. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

(H) The following is a proposed amendment to the Uniform System of Accounts for Class D Natural Gas Companies in Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet accounts by amending account "396, Gas Plant Acquisition Adjustments," by revising paragraph B. As so amended, account 396 will read:

396 Gas plant acquisition adjustments.

* * * * *

B. Debit amounts recorded in this account shall be amortized to account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land shall be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 221—MISCELLANEOUS ACCOUNTING ORDERS

(I) It is proposed to revoke Part 221, "Miscellaneous Accounting Orders," of Chapter I, Title 18 of the Code of Federal Regulations.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(J) It is proposed to amend Part 260 of Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 260.200, to read as follows:

§ 260.200 Original cost statement of utility property.

Any natural gas company becoming subject to the jurisdiction of the Commission shall file, insofar as applicable, the following statements, in triplicate, on paper cut or folded to 8½ inches wide by 11 inches long, and properly sworn to by the officer in responsible charge of their compilation:

STATEMENT A

Statement A showing the origin and development of the company, including, particularly, a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each acquisition of a gas operating unit or system. Any affiliation existing between the parties shall be stated.

STATEMENT B

Statement B showing for each acquisition of a gas operating unit or system by the reporting company or any of its predecessors: (a) The original cost (estimated only if not determinable from existing records), (b) the cost of the acquiring company, (c) the amount entered in the books as of the date of acquisition, (d) the difference between the original cost and the amount entered in the books, (e) a summary of all transactions affecting such difference, including retirements, between the date of each acquisition and the end of the calendar year prior to the year in which the filing is made, and (f) the amount of such difference remaining at the latter date.

If the depreciation, retirement or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts shall be made.

The amount to be included in account 114, Gas Plant Acquisition Adjustments, shall be subdivided so as to show the amounts applicable to (a) gas plant inservice, (b) gas plant leased to others, and (c) gas plant held for future use.

The procedure followed in determining the original cost of the gas plant acquired as operating units or systems shall be described in sufficient detail so as to permit a clear understanding of the nature of the investigations and analyses which were made for that purpose.

Where estimates are used in arriving at original cost or the amount to be included in account 114, a full disclosure of the method and underlying facts shall be given. The proportion of the original cost of each acquisition which has been determined from actual recorded costs and the proportion estimated shall be shown for each functional class of plant. In addition there shall be furnished in respect to each predecessor or vendor company for which complete construction costs are not available, a description of such plant records as are available, including the years covered thereby.

STATEMENT C

Statement C showing any amounts arrived at by appraisals in the gas plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should describe the appraisal and give the complete journal entry at the time the appraisal was originally recorded. If the entry had the effect of appreciating or writing up the gas plant account, the amount of the appreciation or write-up should be traced, by proper description and explanation of changes, from the date recorded through the end of the calendar year prior to the year in which the filing is made.

STATEMENT D

Statement D showing in detail gas plant as classified in the books of account immediately prior to reclassification in accordance with the Uniform System of Accounts, including, under appropriate descriptive headings, any unclassified amounts applicable jointly to the gas department and other departments of the utility.

STATEMENT E

Statement E showing the adjustments necessary to state accounts 101, 103–107, 114, and 116, and amount of common utility plant includible in account 118, as prescribed in the Uniform System of Accounts.

STATEMENT F

Statement F showing gas plant classified according to the accounts prescribed in the Uniform System of Accounts, and showing also the amount includible in account 116, Other Gas Plant Adjustments, and the amount of common utility plant includible in account 118, Other Utility Plant.

STATEMENT G

Statement G showing a comparative balance sheet reflecting the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made. The balance sheet shall be classified by the accounts set forth in the Uniform System of Accounts Prescribed for Natural Gas Companies.

STATEMENT H

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing of, in whole or in part, the amounts includible in account 114, Gas Plant Acquisition Adjustments, and account 116, Other Gas Plant Adjustments.

STATEMENT I

Statement I furnishing the following statistical information relative to gas plant:

PRODUCTION PLANT

Manufactured Gas

Show separately for each producing plant the name and location of plant, date of original construction, type of plant (whether coal gas, coke ovens, water gas, etc.), rated 24-hr. capacity in M.c.f. of each unit and of the total plant, and date of installation of each unit installed after original construction. Show also the original cost according to the System of Accounts for each plant, by accounts 304 to 319, inclusive.

Natural Gas

For each "field" includible in account 101, Gas Plant in Service, furnish the number of acres each of gas producing lands owned, of gas producing lands leased by the company, and of land on which gas rights only are owned, as included in accounts 325.1, 325.2, and 325.3, respectively. The same information, classified by subaccounts, shall be furnished for producing and nonproducing acreage includible in account 104, Gas Plant Leased to Others, and in account 105, Gas Plant Held for Future Use.

For each "field" state number of feet of each size pipe used in Field Gathering Lines.

For each "field" state number of wells included in accounts 330 and 331 segregated to show the number of wells on each type of producing lands classified under accounts 325.1, 325.2, and 325.3.

When pumping or compressing plants exist within the Production Plant, include the same information as that requested for Compressor Stations under Transmission Plant.

State type and character of Purification Equipment and Residual Refining Equipment included in accounts 336 and 337, respectively.

Show the original cost according to the System of Accounts for natural gas production plant by each "field" and by accounts 325.1 to 340.

STORAGE PLANT

Show separately for each location the name of plant, date of construction, type and total capacity (M.c.f.) of each gas holder. State also the original cost according to the System of Accounts for each location, by accounts 350.1 to 351, inclusive.

If depleted gas fields are being repressured, the statements furnished shall reflect the number of acres involved and the original cost according to the System of Accounts (accounts 350.1 to 351, inclusive).

TRANSMISSION PLANT

State the number of feet of each size of main.

State separately for each compressor boosting station the name of plant, location, date of original construction, rated capacity, type and character of power unit and rated capacity and type of compressor units. Also state the capacity, type and date of installation of each additional power or compressor unit. Show for each station the original cost

according to the System of Accounts by accounts 365.1, 365.2, 366, 368, and 369.

DISTRIBUTION PLANT

State number of feet of each size of main and the number of active meters, house regulators, and services. Give a general description of the district regulators and number, by sizes.

Where pumping or compressor stations exist within the distribtuion plant, include the same information requested for similar stations under transmission plant.

GENERAL PLANT

Describe the principal structures and improvements.

State the number and type of transportation vehicles and appurtenant equipment.

Give a description of store, shop, and laboratory equipment and miscellaneous equipment.

Furnish maps, drawn to scale, upon which indicate transmission mains, location of production plants (artificial and natural), producing and nonproducing leaseholds (indicating thereon producing wells, dry holes, and depleted wells), gathering systems, booster and compressor stations, communities served (noting as to wholesale or retail) and large industrial consumers. Where gas is purchased from or sold to other gas utilities, indicate location of measuring stations or gates. If scale maps are not available, furnish sketch maps upon which should be indicated approximate distances between the locations above specified.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12667 Filed 8-10-72;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[No. 32153 (Sub-No. 4)]

RAILROAD PROPERTY ACQUISITIONS, ADDITIONS, AND BETTERMENTS

Minimum Applicable Rule

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of August 1972.

This proceeding is being instituted on our own motion to consider a proposal of the General Committee of the Accounting Division, Association of American Railroads (AAR) on behalf of the railroads to revise the minimum rule on property acquisitions, additions, and betterments established in Instruction 2–2 of the Uniform System of Accounts for Railroad Companies.

The AAR proposed a minimum capitalization level of at least $1,500 in lieu of the $500 in effect since 1940.

The intent of the proposal is to update the minimum rule in recognition of the changes that have occurred in the railroad industry and the economy. These changes, particularly the inflationary trends over the past 32 years, have eroded the usefulness of the $500 level in achieving expediency in accounting for minor items of property.

A minimum rule of $1,500 is now considered to be sufficient to serve the practical purpose of maintaining efficiency in controlling major capital expenditures and expediency in expensing minor capital items without causing any material distortion of the related revenue, operating expense and property investment accounts.

This proceeding is not expected to have any impact upon the quality of the environment. However, should any person desire to comment on the impact of this proceeding on the environment, this Commission will consider environmental matters in accordance with our decision in Implementation—National Environmental Policy Act, 1969, 340 ICC 431 (1972).

Upon consideration of the above-described matters and good cause appearing therefor:

It is further ordered, That all railroad and it is hereby, instituted under the authority of section 20 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in the appendix to this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered. That all railroad companies operating in interstate commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit statement of fact, views, or arguments shall file 15 copies of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days following the publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

Amend Part 1201, by revising "Instruction for Property Accounts," instructions 2–2 and 2–9 as follows:

Item No. 1. Instruction "2–2 Minimum rule applicable to additions to property" is revised by replacing the references to "$500.00" in the first and third sentences, to read as "$1,500."

Item No. 2. Instruction "2–9 Additions and retirements of other than units of property" is revised by replacing the reference to "$500" in the first sentence of paragraph (a), to read as "$1,500."

[FR Doc.72-12709 Filed 8-10-72;8:54 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 96]

ASSISTANT ADMINISTRATOR FOR AFRICA

Delegation of Authority Regarding Administration of A.I.D. Program in Certain African Countries

1. Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby, to the extent consistent with law, delegate to the Assistant Administrator for Africa, with authority to redelegate to the Director of such regional office or offices as may be established from time to time, with respect to the administration of the foreign assistance programs for Gambia, Guinea, Mali, Mauritania, Senegal, Sierra Leone, Dahomey, Ivory Coast, Niger, Togo, Upper Volta, Cameroon, Central African Republic, Chad, Gabon, Equatorial Guinea, and Congo (Brazzaville), the authority delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations of authority, subject to the limitations applicable to the exercise of such authority by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid official, with authority to redelegate as stated above, the authority delegated to A.I.D. Mission Directors in A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda, and other instructions as they may be amended, supplemented, or superseded from time to time.

2. The following delegations are hereby rescinded:

(1) Delegation of Authority No. 45, dated June 27, 1964 (29 F.R. 9508);

(2) Delegation of Authority No. 72, dated July 3, 1967 (32 F.R. 10454);

(3) Delegation of Authority No. 30, dated September 13, 1963 (28 F.R. 11512);

(4) Delegation of Authority No. 46, dated June 27, 1964 (29 F.R. 9509); and

(5) Delegation of Authority No. 73, dated July 3, 1967 (32 F.R. 10454).

3. This Delegation of Authority shall be deemed effective as of February 13, 1970, and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

JOHN A. HANNAH,
Administrator.

JULY 17, 1972.

[FR Doc.72-12673 Filed 8-10-72;8:49 am]

[Redelegation of Authority No. AFR No. 118 (M.O. 131.3.5)]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/NIGERIA

Revocation of Delegation of Authority

Pursuant to the authority delegated to me by AID Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby revoke AFR Redelegation No. 118 (M.O. 131.3.5) to the Mission Director and Deputy Mission Director, USAID Nigeria, effective June 30, 1972. Thereafter, AFR Delegation of Authority No. 119 (M.O. 131.3.6) will, by virtue of its terms, be applicable to Nigeria.

Dated: August 3, 1972.

SAMUEL C. ADAMS, Jr.,
Assistant Administrator for Africa.

[FR Doc.72-12674 Filed 8-10-72;8:49 am]

TARIFF COMMISSION

[TEA-W-151]

ARCHER MILLS, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Archer Mills, Inc., Columbus, Ga., a subsidiary of the Wayne-Gossard Corp., the U.S. Tariff Commission, on August 7, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's and girls' nylon hosiery (of the types provided for in item 374.60 of the Tariff Schedules of the United States) by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company or an appropriate subdivision thereof.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: August 8, 1972.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.72-12704 Filed 8-10-72;8:54 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-101]

COST OF LIVING COUNCIL RULINGS UPDATE AS OF JUNE 30, 1972

Cost of Living Council Ruling

The purpose of this ruling is to provide guidance as to the current applicability of all Cost of Living Council rulings which were published in the FEDERAL REGISTER on or before June 30, 1972. The effect of the republication of the rent regulations, 37 F.R. 13226 (1972) has been considered.

The ruling indicates the earliest date the result of a particular ruling would be the same (even if prior to the effective date of that ruling and even though different logic would be required in order to reach the same result) and whether a particular ruling can be relied upon for current transactions or, if it cannot, the last date it can be relied upon. A ruling which is only "partly" applicable to current transactions is so indicated. No limiting date is provided if the ruling is still currently applicable in some respects. No attempt has been made to specify in exactly what ways a particular ruling may not be currently applicable. In all cases the "Comments" portion of the ruling should be consulted to ascertain whether subsequent rulings or regulations have affected the ruling.

The number in the citation column of this ruling refers to the page on which a particular ruling was originally published in the FEDERAL REGISTER (Volume 36 for 1971 rulings or, Volume 37 for all other rulings).

Ruling No.	Citation	Applies to transactions after:	Can be applied to current transactions?	Does not apply to transactions after:	Comments
1971-1	24231	Nov. 13, 1971	Yes		A
1972-1	247	do	Yes		A
1972-2	247	do	Yes		U

Ruling No.	Citation	Applies to transactions after:	Can be applied to current transactions?	Does not apply to transactions after:	Comments [1]
1972- 3	762	do	Yes		A
1972- 4	762	do	Yes		A
1972- 5	762	do	Yes		A
1972- 6	959	do	Yes		A
1972- 7	1411	do	Yes		A
1972- 8	2990	do	Yes		A
1972- 9	2990	Dec. 30, 1971	Yes		A
1972-10	2987	Nov. 13, 1971	Yes		U
1972-11	2990	do	Partly		L, M(PC-72-20)
1972-12	2987	do	Yes		A
1972-13	3450	do	Yes		A
1972-14	3450	do	Yes		A
1972-15	3450	do	Yes		A
1972-16	3451	do	Yes		A
1972-17	3922	do	Yes		A
1972-18	3923	do	Yes		A
1972-19	3770	do	Yes		A
1972-20	4368	do	Yes		A
1972-21	5062	do	Yes		A
1972-22	5064	Feb. 3, 1972	No	May 24, 1972	L
1972-23	5644	Nov. 13, 1971	Yes		A
1972-24	5645	do	Yes		A
1972-25	5645	Dec. 31, 1971	Yes		A
1972-26	5644	Feb. 23, 1972	Yes		U
1972-27	5646	Nov. 13, 1971	Yes		A
1972-28	5644	do	Yes		A
1972-29	5649	do	Yes		A
1972-30	5644	Feb. 3, 1972	Partly		L
1972-31	5763	do	Yes		U
1972-32	6120	Nov. 13, 1971	Yes		U
1972-33	6118	do	Yes		A
1972-34	6118	Feb. 3, 1972	Yes		A
1972-35	6120	Nov. 13, 1971	Yes		U
1972-36	6119	do	Yes		A
1972-37	6119	do	Yes		A
1972-38	6598	do	Yes		A
1972-39	6598	Dec. 16, 1971	Yes		A
1972-40	6598	Nov. 13, 1971	Yes		A
1972-41	6599	Feb. 3, 1972	Yes		A
1972-42	7348	Nov. 13, 1971	Yes		A
1972-43	7720	do	Yes		A
1972-44	7720	Feb. 3, 1972	Yes		A
1972-45	7995	do	Partly		L
1972-46	8700	Jan. 27, 1972	Yes		U
1972-47	9406	do	Yes		A
1972-48	9787	Feb. 3, 1972	Yes		A
1972-49	10519	Jan. 27, 1972	Yes		A
1972-50	11193	do	Yes		A
1972-51	10962	Nov. 13, 1971	Yes		A
1972-52	11193	do	Yes		A
1972-53	11694	do	Yes		A
1972-54	11696	Aug. 15, 1971	Yes		U
1972-55	11694	May 2, 1972	Yes		U
1972-56	11694	do	Yes		U
1972-57	11695	do	Yes		U
1972-58	11695	do	Yes		U
1972-59	11695	Feb. 3, 1972	Yes		A
1972-60	11981	Nov. 13, 1971	Yes		U
1972-61	12164	May 2, 1972	Yes		U

[1] U (Unchanged) Ruling and Economic Stabilization Regulation section(s) interpreted both remain unchanged with ruling in full effect.

A (Amended) The section(s) of the regulations interpreted by the ruling has been amended since the date specified in column 3 of this ruling, but the ruling would apply to the section(s) as amended as of June 30, 1972.

L (Limited) The regulations section(s) interpreted by the ruling has been amended, deleted, or a new section(s) added with the result that the ruling is either obsolete or applicable only to the extent the old section(s) is still effective.

M (Modified) Ruling modified or clarified by a later ruling. Symbols within parenthesis refer to modifying or clarifying ruling.

O (Overruled) Ruling overruled or superseded by a later ruling. Symbols within parenthesis refer to overruling or superseding ruling.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: August 7, 1972.

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

Approved: August 7, 1972.

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

[FR Doc.72-12581 Filed 8-10-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP MF3370V]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a food additive petition (MF3370V) has been filed by Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640 proposing that § 121.328 *Feed grade biuret* (21 CFR 121.328) be amended in paragraph (a) under the "Percent" column for "Biuret" by changing the "60.0 minimum" to "55.0 minimum" and for "Cyanuric acid and triuret" by changing the "21.0 maximum" to "30.0 maximum." The additive is used in ruminant feed as a source of nonprotein nitrogen.

Dated: August 3, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12619 Filed 8-10-72;8:46 am]

VOLUNTARY INGREDIENT LABELING

Notice to Cosmetic Manufacturers and Distributors

At the present time, there are simultaneous regulatory, legislative, and voluntary initiatives underway, with the objective of increased cosmetic ingredient labeling. The Food and Drug Administration is publishing this notice to minimize uncertainty that may result from this activity and to encourage adoption of recommended label ingredient declarations at the earliest possible time.

Regulatory initiatives. In the FEDERAL REGISTER of April 11, 1972 (37 F.R. 7151), the Commissioner of Food and Drugs promulgated a final order providing for voluntary registration of producers of cosmetic products, and voluntary filing of cosmetic ingredient and raw material statements. In the preamble to these regulations, the Commissioner concluded that although the comments, which called for label declaration of ingredients for cosmetics, were beyond the scope of the issues raised by the petitions, nevertheless, the comments were meritorious and the Commissioner announced that the Food and Drug Administration would give consideration to publishing a proposal under the Fair Packaging and

Labeling Act for the labeling of ingredients. Thereafter, a petition was filed by Professor Page et al. requesting promulgation of a regulation requiring cosmetic ingredient labeling under the authority of the Fair Packaging and Labeling Act. Professor Page subsequently requested the Commissioner to hold this petition in abeyance pending congressional consideration of legislation that would require cosmetic ingredient labeling.

Legislative initiatives. Title IV of S. 3419, passed by the Senate on June 21, 1972, would require cosmetic ingredient labeling. No comparable provision appears in the House version of this legislation (H.R. 15003) which was reported out of the House Committee on Interstate and Foreign Commerce on June 1, 1972, and is currently pending before the House Rules Committee.

Voluntary initiatives. The President's Special Assistant for Consumer Affairs has reflected widespread public interest in increased disclosure of cosmetic ingredient information and has enlisted public support as well as efforts by various segments of the industry to encourage this objective. In response to these initiatives, both the Office of Consumer Affairs and the Food and Drug Administration have received requests for clarification of the format in which cosmetic ingredient labeling should be presented if the manufacturer or distributor wishes to adopt the labeling declaration on a voluntary basis at this time.

The Commissioner has concluded that it is premature at this time, in view of the pending legislation, to promulgate a regulation requiring cosmetic ingredient labeling. Nevertheless, to encourage voluntary cosmetic ingredient labeling and to answer questions about the proper format for doing so, the Commissioner hereby advises manufacturers and distributors of cosmetics that the following format should be utilized by those manufacturers who wish to adopt cosmetic ingredient labeling on a voluntary basis in the interim.

(a) The labeling of a cosmetic should bear a declaration of each ingredient in descending order of predominance, except that fragrance, flavoring, and coloring may be declared as such. An ingredient which is both fragrance and flavoring, or both flavoring and coloring, or any combination of the three, should be designated by each of the functions it performs unless such ingredient is specifically declared. No ingredient should be designated as fragrance, flavoring, or coloring unless it is within the meaning of such term as commonly understood by consumers.

(b) The declaration of ingredients should appear with such prominence and conspicuousness as to rei der it likely to be read and understood by ordinary individuals under normal conditions of purchase. The declaration should appear on any appropriate information panel in letters not less than one-sixteenth of an inch in size and without obscuring design, vignettes, or crowding. In the absence of sufficient space for such declaration on the package, or where the manufacturer or distributor wishes to use a decorator container, the declaration may appear on a firmly affixed tag, tape, or display card.

(c) An ingredient should be identified in the declaration by:

(1) The name specified for that ingredient in any recognized compendium, such as U.S. Pharmacopeia, National Formulary, Food Chemicals Codex, U.S. Adopted Names, or an industry compendium; or

(2) In the absence of such a listing, the common or usual name; or

(3) In the absence of such a listing or a common or usual name, the chemical or other technical name or description.

(d) Where a cosmetic is also a drug, the declaration should first declare the active ingredients as required under Chapter V of the Act, and should then declare with an appropriate designation the cosmetic ingredients.

Dated: August 9, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12756 Filed 8-10-72;8:56 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended as described below. These amendments do not include all changes to be made in the Statement of Organization, Functions, and Delegations of Authority to conform to Public Law 92-318, the Education Amendments of 1972. The remaining changes will be published as they occur.

1. The statement under the heading Office of the Commissioner is amended by addition of the following:

TEACHER CORPS

The Teacher Corps administers a program to strengthen the educational opportunities available to children in areas having concentrations of low-income families. Encourages colleges and universities to broaden their programs of teacher education by developing systematic processes through which qualified teachers and teacher-interns can acquire specified competencies. Provides framework within which schools, universities, and communities work together to improve and expand the learning environment of children.

2. The statement under the heading Office of the Executive Deputy Commissioner is amended to read:

OFFICE OF THE EXECUTIVE DEPUTY COMMISSIONER

The Executive Deputy Commissioner, under the general direction of the Commissioner of Education, has broad delegated responsibility to act for the Commissioner on major aspects of operations. Assumes full responsibility for the duties of the Commissioner during his absence, or inability to act, or if a vacancy occurs in the position of Commissioner. Directs the Right to Read Program which is designed to reduce fuctional illiteracy in the United States.

3. The statement under the heading Office of the Deputy Commissioner for School Systems, Bureau of Elementary and Secondary Education, is amended as follows:

The statement under the heading Division of State Agency Cooperation is amended to read:

Division of State Agency Cooperation. Makes grants to States pursuant to approved applications setting forth programs designed to strengthen the leadership resources of State educational agencies.

The statement under the heading Division of Plans and Supplementary Centers is amended to read:

Division of Plans and Supplementary Centers. Administers a variety of programs under the Elementary and Secondary Education Act aimed at improving the quality of American education and enriching the educational opportunities and curriculum for all children.

4. The statement under the heading Office of the Deputy Commissioner for Development is amended to read:

OFFICE OF THE DEPUTY COMMISIONER FOR DEVELOPMENT

The Deputy Commissioner for Development formulates policy for, directs and coordinates the activities of, the elements of the Office which deal with educational technology, educational statistics, improvement of educational systems, drug abuse education, nutrition and health education, and environmental/ecological education. The Deputy Commissioner for Development also insures compliance with the Federal Reports Act and serves as the clearance point for all OE projects requiring the acquisition of data from respondents to questionnaires.

DRUG EDUCATION/NUTRITION AND HEALTH PROGRAMS STAFFS

Develops and supports training and technical assistance programs for teams from communities, schools, and colleges, to provide leadership for effective drug abuse prevention programs and monitors ongoing pilot school and community projects; provides leadership in developing demonstration projects to coordinate and improve nutrition and health services in schools serving areas with high concentrations of children from low-income families.

OFFICE OF ENVIRONMENTAL EDUCATION

Administers a program of grants to higher education institutions, State and local educational agencies, regional educational research organizations, and other public and private nonprofit agencies, organizations, and institutions to

support pilot projects designed to educate the public on the problems of environmental quality and ecological balance. Coordinates other OE programs which support environmental education.

NATIONAL CENTER FOR EDUCATIONAL TECHNOLOGY

The National Center for Educational Technology is responsible for the systematic demonstration and implementation of programing and systems designed to improve the quality of education on a cost-effective basis. Emphasis is placed upon the innovative application of advanced technological developments both within and outside of formal education settings.

Division of Program Development. Responsible for the refinement and application of educational systems, including appropriate software designed to meet the educational needs of learners and for administering programs of assistance such as educational technology training, Sesame Street, and The Electric Company.

Division of Technology Development. Responsible for the development of facilities and hardware systems to implement National Center for Educational Technology objectives. Administers a program of assistance in the provision of noncommercial educational television and radio broadcasting facilities.

NATIONAL CENTER FOR EDUCATIONAL STATISTICS

The National Center for Educational Statistics designs, directs, coordinates, and executes all statistical programs of the Office; gathers, stores, and analyzes statistical data and disseminates information and studies to show the condition and progress of American education; and administers the program for National Assessment of Educational Progress and develops the Officewide annual data acquisition plan.

Division of Survey Planning and Analysis. Responsible for special educational surveys and for survey systems of multipurpose educational statistics. Plans, designs, collects, analyzes, and publishes basic educational data. Extracts and displays statistical data relevant to current issues for the Commissioner, the Bureaus, the Department, and Congress. Provides technical assistance to Bureaus and offices in planning for acquisition of data for evaluations using survey instruments. Conducts such surveys or provides technical monitorship for contracted data acquisition efforts. Provides survey advice and consultation on educational statistics as requested by other Federal agencies.

Division of Intergovernmental Statistics. Establishes and manages an integrated system of educational statistics to meet Federal, State, local and institutional needs for planning, management, and evaluation. Develops standardized terminology and definitions to promote compatible reporting of educational data. Provides developmental assistance to State, local, and institutional educational agencies to assist in the development of integrated systems. Conducts studies of users' data requirements into specifications for information systems, and designs surveys to collect data for these information systems. Conducts training programs necessary to meet division objectives. Performs analyses of the data collected for use at the several levels of management served by the systems.

Division of Survey Operations. Provides operational support services for all NCES surveys, also provides statistical consultation on an Officewide basis and to State elements of the Federal-State integrated statistical system. Develops and maintains the master schedule for the total production of the Center. Develops and improves statistical techniques for collecting, processing, and analyzing statistical information. Furnishes manual edit and data validation services, establishes automatic data processing requirements and serves as NCES liaison with the ADP Division. Prepares final copy for all Center publications and implements the Center's publications program. Designs sampling plans and provides technical review of survey plans.

Division of Statistical Information and Studies. Performs statistical analysis and reference services. Performs both special and indepth analyses of OE statistical data addressed to basic education questions. Develops statistics on the unit costs of the delivery of specific educational services to various target groups. Coordinates with directors of other Federal statistical programs. Conducts pilot and field tests and development for those cross-sectional surveys and studies that have progressed beyond the initial conceptualization but have yet to be developed to the stage where they can be incorporated into one of the well developed data collection systems. Analyzes educational statistics in conjunction with relevant statistics from other Federal statistical programs.

NATIONAL CENTER FOR THE IMPROVEMENT OF EDUCATIONAL SYSTEMS

The National Center for the Improvement of Educational Systems is responsible for administering programs for the improvement of education in the Nation's school systems, including programs for the development of educational personnel, the program of assistance for school dropout prevention projects, and the program of direct grant assistance for supplementary educational centers and services and exemplary and innovative educational projects. In so doing, provides assistance to institutions of higher education and State and local educational agencies and supports development of programs responsive to needs of school systems and supports demonstration projects and other projects to improve undergraduate teacher preparation. Developmental assistance is provided at the local and State levels.

Northeast Division. Responsible for programs administered by the Center in Department of Health, Education, and Welfare/Office of Education Regions I and II. Will assist school systems in planning for and implementing projects. In addition, administers on a nationwide basis programs for improvement of undergraduate teacher preparation.

Southeast Division. Responsible for programs administered by the Center in Department of Health, Education, and Welfare/Office of Education Regions III and IV. Will assist school systems in planning for and implementing projects. In addition, administers on a nationwide basis a program supporting innovative practices and reform in the teacher training function of developing institutions.

Southwest Division. Responsible for programs administered by the Center in Department of Health, Education, and Welfare/Office of Education Regions VI, VII, and IX. Will assist school systems in planning for and implementing projects. In addition, administers on a nationwide basis a program designed to prepare personnel to work with exceptional children at all levels.

Northwest Division. Responsible for programs administered by the Center in Department of Health, Education, and Welfare/Office of Education Regions V, VIII, and X. Will assist school systems in planning for and implementing projects. In addition, administers a national program designed to prepare educational personnel in career education.

5. The statement under the heading Office of the Deputy Commissioner for Higher Education, Bureau of Libraries and Educational Technology is amended to read:

BUREAU OF LIBRARIES AND LEARNING RESOURCES

The Bureau of Libraries and Learning Resources provides national leadership in libraries and educational resources and administers programs to support States in improving public library services and library construction; to institutions of higher education to strengthen library resources, and assist in training in librarianship and acquisition of equipment; to educational institutions and other agencies to support training and research in library information science. Administers programs to improve instruction in crucial academic subjects and to acquire school library resources, textbooks, and other instructional materials.

Dated: August 4, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-12670 Filed 8-10-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-152N]

DUNDEE CEMENT CO.

Notice of Qualification as Citizen of United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provi-

sions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), the Dundee Cement Company of Dundee, Mich. 48131, incorporated under the laws of the State of Delaware, did on August 1, 1972, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, August 4, 1972, issued to the Dundee Cement Co. a certificate of compliance on Form 1262, as provided in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated: August 4, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–12686 Filed 8–10–72;8:52 am]

[CGD 72–143N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from June 5, 1972, to June 22, 1972 (List No. 20–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/230/5, 22.0′ x 7.5′ x 3.17′ aluminum, oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement dwg. No. 22–2D, Rev. K dated April 3, 1969, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=1,800 pounds; Condition "B"=7,515 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 21, 1972. (It supersedes Approval No. 160.035/230/4 dated October 19, 1967, to show change in construction and address.)

Approval No. 160.035/424/2, 28.0′ x 8.46′ x 3.79′ steel, oar-propelled, 55-person capacity, identified by construction and arrangement dwg. No. 28–10B, Rev. C dated May 18, 1972, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=4,500 pounds; Condition "B"=14,711 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 21, 1972. (It supersedes Approval No. 160.035/424/1 dated July 13, 1967, to show change in construction and address.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASS A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/5/0, Model Horseshoe, cloth covered unicellular plastic foam "horseshoe buoy", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 34, manufactured by Charles Ulmer, Inc., 175 City Island Avenue, City Island, NY 10464, effective June 22, 1972.

Approval No. 160.064/6/0, Model Ponyshoe, cloth covered unicellular plastic foam "horseshoe buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 34, manufactured by Charles Ulmer, Inc., 175 City Island Avenue, City Island, NY 10464, effective June 22, 1972.

Approval No. 160.064/15/0, adult medium, Model JAM, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/19/0, adult large, Model JAL, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/20/0, adult small, Model JAS, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/21/0, child medium, Model JCM, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/22/0, child small, Model JCS, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/25/0, Model No. 8404, vinyl dipped unicellular plastic foam "Man Overboard Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective June 22, 1972.

Approval No. 160.064/33/1, adult large, Model SJL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/44/0, 18-inch, Model No. LR–18, vinyl coated unicellular plastic foam "Ring Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective date June 22, 1972.

Approval No. 160.064/45/0, adult, Model No. 4215, cloth covered unicellular plastic foam "Sport Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective June 22, 1972.

Approval No. 160.064/64/1, child small, Model SJS, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufac-

tured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/65/1, child medium, Model SJM, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/66/1, adult X-large, Model SJXL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive. Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/158/0, child small, Model BJS, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/159/0, child medium, Model BJM, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/160/0, adult large, Model BJL, cloth covered unicellular plastic foam "Boating Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/161/0, adult X-large, Model BJXL, cloth covered unicellular plastic foam "Boating Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76300, effective June 22, 1972.

Approval No. 160.064/186/0, adult, Model No. 1091–M, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 45, manufactured by Farwest Garments, Inc., 1100 Poplar Place South, Seattle, WA 98144, effective June 22, 1972.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/68/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, panel board or console type, dwg. No. 128–01 dated March 25, 1963, for Model SF flush mounting; SFR flush mounting with a relay; Model SFLR flush mounting with a light and a relay, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective June 20, 1972. (It reinstates Approval No. 161.005/68/0 terminated June 24, 1968.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/98/1, Models E 300M, E 301M, E 350M, and E 351M Eye-Hye Secondary Type Boiler Water Level Indicator, Remote Reading, 350 p.s.i. Maximum Pressure, dwg. Nos. D–10511 dated September 22, 1966, D–10512 dated September 24, 1966, D–10513 dated September 23, 1966, and D–10514 dated September 26, 1966, these gages utilize ductile iron pressure parts and tubular glasses, manufactured by Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective June 20, 1972. (It is an extension of Approval No. 162.025/98/1 dated June 23, 1967.)

Approval No. 162.025/99/0, Models E 700M and E 701M Eye-Hye Secondary Type Boiler Water Level Indicators, Remote Reading, 700 p.s.i. Maximum Pressure, dwg. Nos. D–10515 dated September 22, 1966, and D–10516 dated September 26, 1966, these gages utilize cast steel pressure parts and tubular glasses, manufactured by Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective June 20, 1972. (It is an extension of Approval No. 162.025/99/0 dated June 23, 1967.)

BROMOTRIFLUOROMETHANE-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/1/0, Kidde Bromotrifluoromethane ($CBrF_3$) Fire Extinguishing Systems for Hydrofoil Craft, Typical Installation dwg. No. L–98754–A dated February 28, 1962, Rev. A dated July 25, 1962, manufactured by Walter Kidde & Co., Inc., Belleville, N.J. 07109, effective June 5, 1972. (It is an extension of Approval No. 162.035/1/0 dated August 15, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/72/3, "Incombustible Microlite" fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2151:FR3688 dated June 27, 1967, and Johns-Manville letter dated July 20, 1967, approved in densities of 0.6 through 2 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, Plant: Parkersburg, W. Va., effective June 15, 1972. (It is an extension of Approval No. 164.009/72/3 dated August 24, 1967.)

Dated: August 4, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–12683 Filed 8–10–72;8:52 am]

[CGD 72–146N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 26, 1972 to June 1, 1972 (List No. 17–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASS A, 1 OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/79/0, child, Model No. CGJS, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 22, manufactured by Martin Industries, Eufaula Street, Post Office Box 423, Clayton, AL 36016, effective May 30, 1972.

Approval No. 160.064/85/0, adult, Model No. CGJL, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 22, manufactured by Martin Industries, Eufaula Street, Post Office Box 423, Clayton, AL 36016, effective May 30, 1972.

Approval No. 160.064/98/0, adult, Model No. 780–15, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 4, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, for Far-

ber Brothers, Inc., 821–841 Linden Avenue, Memphis, TN 38101, effective May 30, 1972.

Approval No. 160.064/118/0, adult small, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 38, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective May 30, 1972.

Approval No. 160.064/119/0, adult medium, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 38, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective May 30, 1972.

Approval No. 160.064/120/0, adult large, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 38, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective May 30, 1972.

Approval No. 160.064/121/0, adult small, Model No. 63215SML, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/122/0, adult medium, Model No. 63215 Med, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/123/0, adult large Model No. 63215 IGE, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/189/0, adult X-small, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 38, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, effective May 30, 1972.

Approval No. 160.064/190/0, adult X-small, Model No. 63215 XSML, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/218/0, adult, Model No. 1100, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 65, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, for Nova Products, Inc., Carrollton, Ga. 30117, effective May 30, 1972.

Approval No. 160.064/264/0, child medium, Model No. CDV–4, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut "N" Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/265/0, adult, Model No. CDV–5, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/266/0, adult, Model CDV–6, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/267/0, adult, Model No. CDV–7, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/268/0, adult, Model No. CDV–8, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/269/0, ladies adult, Model No. CLV–5, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective May 31, 1972.

Approval No. 160.064/278/0, adult small, Model No. 63214 Small, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/279/0, adult medium, Model No. 63214 MED, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/280/0, adult large, Model No. 63214 LGE, cloth covered unicellular plastic foam "Yachtsman's Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 48, manufactured by Ero Industries, Inc., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective May 31, 1972.

Approval No. 160.064/337/0, adult small, Model No. 16270, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/338/0, adult medium, Model No. 16270, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/339/0, adult large, Model No. 16270, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platium Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/340/0, adult X-large, Model No. 16270, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III De-

vice, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.054/341/0, adult, XX-large, Model No. 16270, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/343/0, adult small, Model No. 6270, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/344/0, adult medium, Model No. 6270, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/345/0, adult large, Model No. 6270, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

Approval No. 160.064/346/0, adult X-large, Model No. 6270, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effectice June 1, 1972.

Approval No. 160.064/347/0, adult XX-large, Model No. 6270, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III Device, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective June 1, 1972.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/144/0, Barbron backfire flame arrester, part No. 3816B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (3816A), opening in base is 2.80" in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective May 26, 1972.

Approval No. 162.041/145/0, Barbron backfire flame arrester, part No. 38156B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (38156A), opening in base is 2.80" in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective May 26 1972.

Approval No. 162.041/146/0, Barbron backfire flame arrester, part No. 571513B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (571513A), opening in base is 4.25" in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective May 26, 1972.

Dated: August 4, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-12684 Filed 8-10-72; 8:52 am]

[CGD 72-147N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artifiicial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 9, 1972 to May 26, 1972 (List No. 16-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

DAVITS FOR MERCHANT VESSELS

Approval no. 160.032/186/0, gravity davit, Carroll Type CG-150-P, approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using 2-part falls; identified by general arrangement drawing DA-9234 dated July 23, 1968 and drawing list dated May 16, 1972, approval is limited for use with Carroll Type CW-75-M lifeboat winch (Approval No. 160.015/99/0), manufactured by Welin Davit and Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective May 26, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/17/0, adult, Model No.(s) GP-1 and 712-VH-17.5, vinyl dipped unicellular plastic foam "Sport Fishing or Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, Model 712-VH-17.5 has additional marking "Work Vest for Merchant Vessels" and "Repeated Wettings will not injure," manufactured by Gentex Corp, Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/55/0, adult, Model No. JPB-2, cloth covered unicellular plastic foam "Motorboat Racing Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/58/0, adult, Model Dolphin, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/59/0, child medium, Model Sailfish, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/60/0, child small, Model Pollywog, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/76/0, Model No. 920, cloth covered foam "Horseshoe Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 10, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective May 25, 1972.

Approval No. 160.064/80/0, adult medium, Model No. SRY-30M, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at Thirtieth, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/81/0, adult large, Model No. SRY-30L, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by

Stearns Manufacturing Co., Division Street at Thirtieth, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/82/0, adult X-large, Model No. SRY-30XL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at Thirtieth, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/90/0, adult, Model Guardian/Escort, cloth covered unicellular plastic foam "Sailing Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/94/0, child small, Model No. RE-C-1020, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, VA 24066, effective May 25, 1972.

Approval No. 160.064/95/0, child medium, Model No. RE-C-1021, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, VA 24066, effective May 25, 1972.

Approval No. 160.064/96/0, adult medium, Model No. RE-C-1023, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, VA 24066, effective May 25, 1972.

Approval No. 160.064/97/0, adult large, Model No. RE-C-1024, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/155/0, child, Model No. RE-T-1040, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/156/0, adult small, Model No. RE-T-1041, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/157/0, adult medium, Model No. RE-T-1042, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/162/0, adult large, Model No. SSV-75L or SSV-15L, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/163/0, adult X-large, Model No. SSV-75XL or SSV-15XL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/164/0, adult XX-large, Model No. SSV-75XXL or SSV-15XXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/165/0, adult XXX-large, Model No. SSV-75XXXL or SSV-15XXXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/166/0, adult small, Model No. SSV-75S or SSV-15S, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/167/0, adult medium, Model No. SSV-75M or SSV-15M, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/168/0, adult small, Model No. SSV-70S or SSV-10S or SSV-400S, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/169/0, adult medium, Model No. SSV-70M or SSV-10M or SSV-400M, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/170/0, adult large, Model No. SSV-70XL or SSV-400XL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19,

Approval No. 160.064/171/0, adult X-large, Model No. SSV-70XL or SSV-10XL or SSV-400XXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/172/0, adult XX-large, Model No. SSV-70XXL or SSV-10XXL or SSV-400XXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/173/0, adult XXX-large, Model No. SSV-70XXXL or SSV-10XXXL or SSV-400XXXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/174/0, child medium, Model No. RE-LT-1031, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/175/0, adult medium, Model No. RE-LT-1032, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/176/0, adult large, Model No. RE-LT-1033, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 13, manufactured by Groendyk Manufacturing Co., Inc., Route 11, Buchanan, Va. 24066, effective May 25, 1972.

Approval No. 160.064/185/0, 19-inch, Model No. CG-19, vinyl dipped foam "Ring Life Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No.

MQ 10, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective May 25, 1972.

Approval No. 160.064/199/0, adult small, Model No. SSV–500S, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/200/0, adult medium, Model No. SSV–500M, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/201/0, adult large, Model No. SSV–500L, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/202/0, adult X–large, Model No. SSV–500XL, cloth covered unicellular plastic foam "Buoyand Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/203/0, adult XX–large, Model No. SSV–500XXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/204/0, adult XXX-large, Model No. SSV–500 XXXL, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 19, 1972.

Approval No. 160.064/213/0, child medium, Model Escort, cloth covered unicellular plastic foam "Sailing Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/226/0, adult, Model No. Z11–WF–17.5, cloth covered unicellular plastic foam "Work Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 23, 1972.

Approval No. 160.064/228/0, Pony Size, Model No. 940, cloth covered foam, "Horseshoe Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 10, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, CA 91606, effective May 25, 1972.

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/6/0, audible and visual, supervised, Type RB smoke detector systems, eight (8) through forty-eight (48) lines: (Drawing No. SK–122753 wiring diagram marine smoke detector, and Drawing No. SK–134335 schematic marine smoke detector) identified by the following part numbers:

No. Lines	Main cabinet	Repeater surface mounted	Repeater flush mounted
8	890704	890753	892190
12	890706	890755	892191
16	890708	890757	892192
20	890710	890759	892193
24	890712	890761	892194
28	890714	890763	892195
32	890716	890765	892196
36	890718	890767	892197
40	890720	890769	892198
44	890722	890771	892199
48	890724	890773	892200

manufactured by Walter Kidde & Co., Inc., Belleville, N.J. 07109, effective May 17, 1972. (It is an extension of Approval No. 161.002/6/0 dated April 19, 1967.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/29/3, sound powered telephone station bell, vibrating, 3", 6", and 8" sizes, watertight, dwg. No. 20–162–2, Alt. 7 dated January 6, 1972, Types 3B, 6B, 8B, 3P, 6P, 8P, 3BH, 6BH, and 8BH, for use with sound powered telephone hand generator, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective May 17, 1972. (It supersedes Approval No. 161.005/29/2 dated July 18, 1967 to show changes.)

LIGHTS (WATER); ELECTRIC FLOATING (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

Approval No. 161.010/3/0, Automatic Lite Co. Save-U-Lite, Model WL001 floating electric water light (with mounting bracket); assembly drawing No. WL001–02–B dated March 28, 1971; bracket assembly drawing No. LB002–02C dated December 2, 1971, manufactured by Automatic Lite Co., 900 North Iris Avenue, Baltimore, MD 21205, effective May 19, 1972.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/231/1, style HC–55–MS and HC–55W–MS carbon steel body pop safety valve, nozzle type, exposed spring fitting with spring cover, 1,200 p.s.i. primary service pressure rating, 675° F. maximum temperature, dwg. No. HV–44–MS, revised February 17, 1972, approved for sizes 1½", 2", 2½", and 3" with flanged inlet (HC) or welding end inlet (HC–W), manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 9, 1972. (It supersedes Approval No. 162.001/231/0 dated February 27, 1968 to show revision.)

Approval No. 162.001/232/1, style HC–56–MS and HC–56W–MS carbon steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1,200 p.s.i. primary service pressure rating 750° F. maximum temperature, dwg. No. HV–44–MS, revised February 17, 1972, approved for sizes 1½", 2", 2½", and 3" with flanged inlet (HC) or welding end inlet (HC–W), manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 9, 1972. (It supersedes Approval No. 162.001/232/0 dated February 27, 1968 to show revision.)

Approval No. 162.001/237/1, style HCA–57–MS and HCA–57W–MS alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1,200 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange and welded inlet flange; 1,050 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, dwg. No. HV–47–MS, revised March 1, 1972, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 9, 1972. (It supersedes Approval No. 162.001/237/0 dated February 27, 1968 to show revision.)

Approval No. 162.001/238/1, style HCA–58–MS and HCA–58W–MS alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 995 p.s.i. rating, 1050° F. maximum temperature with standard inlet flange, 595 p.s.i. rating, 1050° F. maximum temperature with optional inlet flange, 1,200 p.s.i. rating, 1050° F. maximum temperature with welded inlet flange, dwg. No. HV–47–MS, revised March 1, 1972, 1½", 2", 2½", and 3" sizes, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 9, 1972. (It supersedes Approval No. 162.001/238/0 dated February 27, 1968 to show revision.)

Approval No. 162.001/241/1, style HS–MS–35 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 800 p.s.i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV–35–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/241/1 dated July 18, 1967.)

Approval No. 162.001/242/1, style HS–MS–36 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 800 p.s.i. primary service pressure rating, 750° F. maximum temperature, dwg. No. HV–35–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/242/1 dated July 18, 1967.)

Approval No. 162.001/243/1, style HSA–MS–37 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 700 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 800 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, dwg. No. HV–36–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/243/1 dated July 18, 1967.)

Approval No. 162.001/244/1, style HSA–MS–38 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 465 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with standard inlet flange, approved for sizes 1½", 2", 2½", 3", and 4"; 775 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", and 2½"; 800 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with optional inlet flange, approved for sizes 3" and 4"; dwg. No. HV–36–MS revised May 10, 1972, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/244/1 dated July 18, 1967.)

Approval No. 162.001/245/1, style HS–MS–25 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 600 p.s.i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV–37–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/245/1 dated July 18, 1967.)

Approval No. 162.001/246/1, style HS–MS–26 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 600 p.s.i. primary service pressure rating, 750° F. maximum temperature with standard inlet flange; 425 p.s.i. primary service pressure rating, 750° F. maximum temperature with optional inlet flange, dwg. No. HV–37–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/246/1 dated July 18, 1967.)

Approval No. 162.001/247/1, style HSA–MS–27 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 600 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 350 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, dwg. No. HV–38–MS revised May 10, 1972, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective May 23, 1972. (It is an extension of Approval No. 162.001/247/1 dated July 18, 1967.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/3/1, Asbestolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG3610–1214: FR 1778 dated July 2, 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Asbestolith Manufacturing Corp., 257 Kent Street, Brooklyn, NY 11222, effective May 18, 1972. (It is an extension of Approval No. 164.006/3/1 dated June 8, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/2/0, Coverall Wallboard, asbestos-cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated March 2, 1943, approved in a three-sixteenths-inch thickness, manufactured by The Philip Carey Co., Lockland, Cincinnati, Ohio 45215, formerly The Philip Carey Manufacturing Co., effective May 18, 1972. (It is an extension of Approval No. 164.009/2/0 dated July 31, 1967, and change of name of product and manufacturer.)

Approval No. 164.009/3/0, Industrial A–C Board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated September 24, 1942, approved in a three-sixteenths-inch thickness, manufactured by The Philip Carey Co., Lockland, Cincinnati, Ohio 45215, formerly The Philip Carey Manufacturing Co., effective May 18, 1972. (It is an extension of Approval No. 164.009/3/0 dated July 31, 1967 and change of name of product and manufacturer.)

Approval No. 164.009/148/0, J. P. Stevens & Co., Inc. "Textoglass" rewettable fiberglass lagging style 84205/9485, as described in J. P. Stevens letter dated December 10, 1971, and National Bureau of Standards report FR 3800, manufactured by J. P. Stevens & Co., Inc., 1460 Broadway, New York, NY 10036, plant located Slater, S.C., effective May 24, 1972.

Approval No. 164.009/150/0, "ECSICO Incombustible Acoustical Board" fibrous glass type incombustible material, identical to that described in National Bureau of Standards Test Report FR 3804 dated April 14, 1972, and Eastern Cold Storage Insulation Co. letter dated December 10, 1971, approved in a nominal density of 3.6 pounds per cubic foot, manufactured by Eastern Cold Storage Insulation Co., 630 Third Avenue, New York, NY 10017, plant: Cedar Grove, N.J., effective May 22, 1972.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/4/0, "Micarta" laminated plastic interior finish type PFR–1, identical to that described in Westinghouse Corp.'s letter dated March 24, 1972, and Underwriters' Laboratories, Inc. report file R4301, assignment 69NK6512 dated July 21, 1970, bonded with Borden Chemical Cascophen RS–216 adhesive in accordance with instructions accompanying the adhesive, manufactured by Westinghouse Electric Corp., Decorative Micarta Division, Hampton, S.C. 29924, effective May 17, 1972.

Dated: August 4, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–12685 Filed 8–10–72;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report—Operating License Stage, June 27, 1972, for the Haddam Neck Plant," submitted by the Connecticut Yankee Atomic Power Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the local public document room at the Russell Library in Middletown, Conn. The report is also being sent to the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115 and at the Midstate Regional Planning Agency, Post Office Box 139, Middletown, CT 06458.

This report discusses environmental considerations related to the proposed issuance of a full-term operating license for the Connecticut Yankee Haddam Neck Plant, located in Haddam, Middlesex County, Conn.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 2d day of August 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.72-12672 Filed 8-10-72;8:49 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating license to the General Electric Co. (the licensee) which would authorize the licensee to possess, use, and operate the Midwest Fuel Recovery Plant (the facility), located on the licensee's site in Grundy County, Ill., in accordance with the provisions of the license and the technical specifications appended thereto, upon the receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the submission of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Provisional Construction Permit No. CPCSF-3, issued by the Commission on December 28, 1967.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPCSF-3. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the licensee will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Although its construction is complete, the facility falls within the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which a construction permit was issued prior to January 1, 1970. Accordingly, notice is hereby given, pursuant to 10 CFR Part 2, "Rules of Practice," and Appendix D to 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit in the captioned proceeding should be continued, modified, terminated or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, General Electric Co. may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of the facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated December 30, 1970, as amended and the licensee's environmental report dated July 1, 1971, supplemental environmental report dated November 4, 1971, response to AEC staff questions regarding applicant's environmental report, dated October 19, 1971, the Commission's draft environmental statement pursuant to 10 CFR Part 50, Appendix D, dated March 17, 1972 (the notice of availability was published in the FEDERAL REGISTER on March 17, 1972 (37 F.R. 5674) and a supplementary notice of availability was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8015)), and the report of the Advisory Committee on reactor safeguards on the application for a facility operating license for the Midwest fuel recovery plant, dated July 21, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Morris Public Library, 604 Liberty Street, Morris, IL. As they become available, the following documents also will be available at the above locations: (1) The Commission's final environmental statement pursuant to 10 CFR Part 50, Appendix D, (2) the safety evaluation prepared by the Directorate of Licensing, (3) the proposed facility operating license, and (4) the technical specifications, which will be attached as Appendix A to the proposed facility operating license.

Copies of the Commission's draft environmental statement pursuant to 10 CFR Part 50, Appendix D, the report of the Advisory Committee on reactor safeguards and when available, items (1), (2), (3), and (4) may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of July 1972.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.72-12260 Filed 8-10-72;8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Notice of Receipt or Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated August 2, 1972, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX "A"

AUGUST 2, 1972.

Georgia Power Co., Hatch Nuclear Plant—Unit No. 2, AEC Docket No. 50-366, Department of Justice File 60-415-37.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as amended by Public Law 91-560, 84 Stat. 1472 (December 19, 1970) in regard to the above cited Application. This supplements our letter of December 7, 1971.

APPLICANT

The Georgia Power Co. (Applicant) is the dominant bulk power supplier and retailer of electric power in Georgia. Its 1970 total assets were in excess of $1.5 billion. Its total electric operating revenues were approximately $380

million. Its 1970 peak load was 6,197,100 kilowatts. It has eight steam generating plants totaling 4,064,000 kilowatts of generating capacity, 18 hydroelectric plants with 433,180 kilowatts of capacity and a small amount of internal combustion and gas turbine capacity. Together with Alabama Power Co., an affiliate, it owns the Southern Electric Generating Co. and obtains 50 percent of the output from its 1 million kilowatt generating plant in Alabama. Its generating stations are integrated by 2,376 circuit miles of 230 kv. transmission lines, 4,793 circuit miles of 115 kv., an extensive network (3,849 circuit miles) of 46 kv. which performs a transmission or subtransmission function, and smaller amounts of 69 kv. and 38 kv. transmission or subtransmission. It retails electric power through 27,393 pole miles of distribution facilities.

Applicant is a wholly owned subsidiary of the Southern Co. Its affiliates in that company are Alabama Power Co., Mississippi Power Co., and Gulf Power Co., which own and operate bulk power supply and distribution facilities in the States of Alabama, southeastern Mississippi, and the Florida Panhandle. Applicant's bulk power facilities are interconnected and coordinated with the facilities of its affiliates in the Southern Co. system, and in addition to bulk power supply facilities of the Florida Power Corp., Savannah Electric & Power Co., Duke Power Co., TVA, South Carolina Electric & Gas Co. and the Southeastern Power Administration (SEPA). Total assets of the Southern Co. in 1970 were approximately $3 billion; its total operating revenue exceeded $738 million; its total generating capacity was 10,882,555 kw. integrated through 22,902 circuit miles of high voltage transmission.

Competing Electric Suppliers

There is one other privately owned, vertically integrated power supplier in Georgia, the Savannah Electric & Power Co. operating in the city of Savannah and the surrounding area. Savannah had a 1969 peak load of 287,850 kw.; its 1969-system input was 1,518,971 megawatt hours (MWH). There is also one vertically integrated publicly owned system, the Crisp County Power Commission with 1970 generating capacity of 30,400 kw.

There are two other sources of bulk power supply in Georgia. TVA supplies power to a very small area in western Georgia. However it is prohibited by its 1959 Revenue Bond Act from supplying power in bulk to customers outside the area in which it served as of the enactment of that law. Further, it may not sell coordinating power and energy to entities with which it was not dealing as of that date.

A significant amount of power is available from the Southeastern Power Administration. SEPA is the marketing agent for the Department of the Interior charged with selling electric power surplus to the needs of the Government generated at flood-control projects. Its authority and marketing policy are derived from section 5 of the Flood Control Act of 1944. A large portion of the power is purchased by the Applicant with the remainder 272,000 kw. wheeled by the Applicant to "preference customers," a large number of municipally owned and cooperatively owned distribution systems. In addition to the 272,000 kw. they receive from SEPA, these systems purchase an additional 1,400,000 kw. from Applicant and purchase, or have SEPA purchase for them, additional energy to "firm up" SEPA's hydroelectric capacity.

There are approximately 90 small distribution systems in Georgia, all of which are publicly owned. Of these, approximately 50 are municipalities which operate distribution systems; all but a few of these purchase bulk power from Applicant to supplement their SEPA allocations. They have a total noncoincident demand of approximately 750,000 kw. There are 41 rural electric cooperatives in Georgia of which 39 with a noncoincident maximum demand of approximately 950,000 kw. purchase their bulk supply from Applicant except for the small portion supplied by their SEPA allocation. Total purchases by these distribution systems are 1,689,959 kw. of which 272,000 kw. (or approximately 16 percent) is purchased from SEPA. Total sales by Applicant to the cooperatively owned distribution systems in 1970 were 3,304,386 MWH; to the municipal systems, 2,582,265 MWH. In addition, 862,305 MWH of SEPA power were wheeled by Applicant over its transmission network to the independent systems.

Except for some minor amounts of transmission owned by the Savannah Electric and Power Co. and Crisp County Power Commission, and the small amount of TVA transmission located in Georgia, Applicant owns and controls all the bulk power transmission in Georgia. As shown above, Applicant has about 75 percent of the retail market and 85 to 90 percent of the wholesale market.

Applicant's Efforts To Forestall Competing Bulk Power Supply Systems

In our letter of June 28, 1971, on Consumers Power Co., Midland Units 1 and 2, we noted that a competitive bulk power supply ordinarily will require access over high voltage transmission lines for the sale and exchange of coordinating power and energy. With control over all transmission, Applicant Georgia Power Co. has been in a position to grant or deny access to coordination to actual or potential competitors at wholesale or at retail in most of the State of Georgia. It has in fact used that monopoly control so as to prevent or impede the development of competitive bulk power supply systems.

This exercise of monopoly power is illustrated by the history of Applicant's relationship with the Crisp County Power Commission. As indicated above, Crisp County is the only small distribution system in the general area served by Applicant which has its own generating facilities. From 1938 through 1960, Crisp County was interconnected with Applicant under a series of agreements. In 1960, Crisp County and Applicant were unable to agree on terms for continuation of the interconnection, and exchanges of energy between them ceased. Crisp County was thereafter operated as an isolated system, suffering a number of power failures. In August 1963, Crisp County initiated a complaint against Applicant under section 202(b) of the Federal Power Act, requesting the FPC to order an interconnection and the furnishing of electric service by Applicant. In April 1966, after hearings had been held before the FPC but before any decision, Applicant and Crisp County submitted a proposed settlement agreement. The Commission after ordering an emergency interconnection to assure adequate service to Crisp County's customers, proceeded to reject the proposed settlement. The Commission found that it failed in a number of significant respects to provide Crisp County with benefits of interconnection and coordinated operation which Applicant was in a position to provide without unfairly burdening its own system.[1] The Commission singled out two provisions of the proposed contract as being particularly objectionable: (1) "The adoption of the largest-unit out-of-service approach for generating reserves to be maintained by Crisp County in the contract, coupled with the minimum required purchase by Crisp County of 3,000 kw. per month," which, the Commission found, would result in Crisp County's maintaining a far higher percentage of reserves than that required of Applicant in its pool with other Southern Co. subsidiaries; and (2) a prohibition against Crisp County's reselling any energy received from Georgia Power, a restriction which the Commission found would effectively prohibit Crisp County from making any sales for resale. The Commission outlined in detail the manner in which it believed a fair interconnection agreement should be constructed, and after a great deal of further litigation and negotiation, the parties ultimately—in late 1969—reached an agreement on an interconnection contract which the Commission accepted. Thus, after extensive litigation, the Commission was able to assure some of the benefits of coordination to Crisp County, but significant limitations on its statutory authority under section 202(b) preclude the Commission from ordering the full range of coordinated development.[2]

Applicant's exercise of its monopoly power to forestall competing bulk power supply systems is further illustrated by the history of its relationship with SEPA. When SEPA power first became available in Georgia, Applicant made determined efforts to purchase all of that power at the busbar. Its attempts to do so ultimately were frustrated by an opinion of the Attorney General that such a disposition of the power would be unlawful under section 5 of the Flood Control Act of 1944.[3]

When it became apparent that either federally owned transmission, or transmission provided by other parties might be constructed to carry the SEPA power entitlements to the smaller systems, Applicant successfully opposed construction of such independently owned transmission in Georgia by offering the use of its transmission facilities to wheel the power. In implementing its offer, however, Applicant insisted upon conditions which restrict the systems receiving SEPA power over Applicant's lines from installing their own generating facilities or from purchasing additional power from any supplier other than itself or SEPA. These restrictions are still in effect.[4] They have served to prevent the development of any competing bulk power supply systems based on the coordination of thermal generation with SEPA's hydrogeneration.

There is further evidence of Applicant's efforts to prevent the development of competitive bulk power suppliers in Georgia. As indicated above, TVA is presently supplying the bulk power requirements of a few distribution system in western Georgia. In 1970 the TVA Board formally determined that the 1959 Revenue Bond Act would permit it to supply bulk power to systems located in two

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[1] *Crisp County Power Commission* v. *Georgia Power Co.*, 42 F.P.C. 1179, 1183, 1211.

[2] A proviso to section 202(b) precludes the Commission from ordering any measure which would require the jurisdictional "public utility" to increase its generating capacity.

[3] Opinion of Attorney General Brownell, 41 Op. AG 236, July 15, 1955. Earlier, on Jan. 2, 1953, the then Secretary of the Interior, Oscar Chapman, had advised Mr. C. B. McManus of the parent Southern Co. that acceptance of Georgia Power's purchase proposal would be inconsistent with the Government's power marketing policy.

[4] Section 4.2 of the SEPA-Georgia Power Co. contract dated June 19, 1970, continues the use of a clause providing "Georgia Power shall be obligated to deliver power hereunder for the account of the Government only to such preference customers as purchase from Georgia Power any additional power which they require over and above the power made available to them by the Government or additions thereto or purchased from their now existing suppliers * * *"

additional counties of Georgia and portions of four other counties. It thereafter offered to supply power to a system in one of these counties. Applicant quickly instituted suit in the Federal District Court to enjoin such service. More significantly for present purposes, there is also evidence that Applicant at about this time undertook construction of additional transmission in the area which TVA claimed the right to serve and that this new transmission was primarily designed to foreclose the possibility that TVA would subsequently build transmission into the area.

Applicant's efforts to prevent the other distribution systems in Georgia from obtaining access to alternative sources of bulk power supply have been especially effective because of the fact that electric power service in many of the areas bordering Georgia is dominated by Applicant's affiliates in the Southern Co. system. It appears to be the policy of the Southern Co. to limit its subsidiaries' bulk power sales to the area which they generally serve at retail, and thus wholesale purchasers in Georgia cannot turn to Alabama Power Co. or Gulf Power Co. in Florida as an alternative source of supply. In addition, there is some evidence which suggests that Applicant may have had wholesale territorial allocation agreements or understandings with nonaffiliated systems serving other border areas. Thus Applicant has made efforts to prevent the Okefenokee Rural Electric Membership Cooperative, which serves retail customers in both Georgia and Florida, from using any of the power which it purchases from Applicant in Georgia to meet the growth needs of its Florida retail customers. The question which arises and which should be explored at the hearing on this application is whether Applicant's efforts to restrict its customers' resale of power in Florida are part of an understanding with the major Florida utilities serving the border areas that they will not supply power to any Georgia distribution system presently purchasing bulk power from Applicant.

For a period of many years, Applicant openly adhered to a policy of attempting to prevent its wholesale customers from making sales to large industrial and commercial loads. This policy was implemented through several provisions in its wholesale contracts, in some cases a flat prohibition on the wholesale customer's using power purchased from Applicant to make retail sales larger than some stated amount and in other cases a dual-rate system, whereby Applicant would charge a higher rate for power used to make a large retail sale. In 1963, the Federal Power Commission instituted a proceeding to determine the lawfulness of these restrictions. At the Commission hearing a Georgia Power witness acknowledged that the company "makes every effort to prevent competitive resale of energy supplied by it." [5] In 1966 the Commission found that these resale limitations were unjust, unreasonable, and unduly discriminatory within the meaning of sections 205 and 206 of the Federal Power Act, and it ordered them removed from the wholesale rate schedules.[6]

Since the time when the explicit resale restrictions were removed, Applicant has pursued other policies which have tended to impede competition at the retail level. The most significant of these has been a policy of selling wholesale power only at relatively low voltages, ordinarily at 12 kv. On a number of occasions in recent years, wholesale customers have indicated an interest in making purchases at the higher transmission voltages (which would require their owning and operating the necessary transformer and subtransmission facilities) but Applicant has not been willing to offer such service.

The unavailability of higher voltage deliveries has a number of effects. Most immediately it may restrict the distribution systems in competing with Applicant for the loads of large industrial firms, which are generally served at transmission voltage.[7] In addition, the limitation to low voltage delivery eliminates any economic incentive for individual wholesale customers or neighboring groups of such customers to tie their various delivery points together with their own subtransmission. This leaves these systems fragmented and makes it more difficult for them to develop alternative bulk power supply systems. Moreover, the policy tends to assure that Applicant will have subtransmission and distribution facilities already in place in rapidly growing suburban areas, which would ordinarily be the focal point of retail competition between it and its wholesale customers.

Antitrust Conclusions Regarding Applicant's Conduct

We have outlined the evidence which suggests that Applicant has exercised its monopoly power to two principal ends: (1) to prevent the establishment of alternative bulk power supply systems in Georgia; and (2) to impair the ability of its wholesale customers to compete with it at retail. In previous letters of antitrust advice we have set forth the antitrust principles which are relevant in analyzing these situations. With regard to the effort to foreclose wholesale customers from developing bulk power supply alternatives, we made the following analysis in our letter of advice of July 12, 1971, regarding the Southern California Edison Co., San Onofre Units 2 and 3:

> There is no evidence that Applicant has systematically refused to establish new delivery points in order to forestall retail competition from municipal and cooperative systems, although some of these systems have represented that Applicant has recently been reluctant to establish new delivery points.
>
> Principles which have evolved under the antitrust laws place distinct limits upon a supplier's exercise of monopoly power to prevent its customers from developing alternative sources of supply. Section 2 of the Sherman Act is particularly relevant to this situation. As the Supreme Court stated, "The offense of monopoly under section 2 of the Sherman Act has two elements: (1) The possession of monopoly power in the relevant market, and (2) the willful acquisition or maintenance of that power as distinguished from the growth or development of a superior product, business acumen, or historic accident." United States v. Grinnell Corporation, 384 U.S. 563, 571 (1966). No proof or specific intent to violate the antitrust laws is required in a section 2 monopolization case. See United States v. Griffith, 334 U.S. 100, 105 (1948); United States v. Grinnell, 236 F. Supp. 244, 248 (D. R.I. 1964), affirmed 384 U.S. 563. Rather the question is whether a person who maintains a monopoly has separately, or with others, carried out business policies which raise unnecessary "barriers to competition." United States v. United Shoe Machinery Corp., 110 F. Supp. 295, 344, 345 (D. Mass., 1953), affirmed per curiam 347 U.S. 521.
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> Essentially a similar analysis is applicable to the use of monopoly power in bulk power supply to adversely affect competition at the retail level. The recent decision by the district court in United States v. Otter Tail Power Co., 331 F. Supp. 54 (D. Minn. 1971) clearly holds that a utility may not use the power derived from a lawful monopoly at the bulk power production level (in that case a monopoly of subtransmission facilities) to impair competition at the retail level.

Relation Between Anticompetitive Conduct and the Issuance of a Nuclear License

Hatch No. 2 Unit would be a very substantial addition to the bulk power production facilities of Applicant and of the Southern Co. system, which develops bulk power expansion programs for its subsidiaries on an integrated basis. Construction of the Hatch Unit necessarily will be accompanied by further additions to the integrated transmission system of Applicant and its affiliates which will further contribute to the dominance of Applicant in the ownership of transmission facilities in Georgia. The addition of this unit cannot be regarded as a merely routine business decision which will leave Applicant's bulk power production system and its relations with the other utilities in the area essentially unchanged. Cf. City of Lafayette v. Securities & Exchange Commission, 454 F.2d 941 (D.C. Cir. 1971).

In view of the matters set forth above, we have concluded that there is a substantial likelihood that issuance of the license sought herein without condition would create or maintain a situation inconsistent with the antitrust laws. We therefore are recommending that a hearing be held to establish a full factual record with regard to the issues outlined above.

In discussions with us prior and subsequent to our interim letter of December 7, 1971, Applicant has disclaimed any intention to utilize its control over bulk power production in Georgia for anticompetitive purposes and has denied that its conduct has had such effect. Applicant, however, has not been willing to agree to the imposition of a series of license conditions which would furnish reasonable assurance that its monopoly power would not be exercised in a manner which would foreclose available bulk power supply alternatives to its competitors or adversely affect competition at the retail level.

Unlike other cases in which we have advised you, the small distribution systems in Applicant's area have not made serious efforts to obtain participation in the ownership or output of the proposed nuclear unit. Only one of the small systems involved here, the city of Dalton, has specifically informed us of an interest in participating in the Hatch Unit. A representative of the power section of the Georgia Municipal Association indicated that the municipal systems generally were not sufficiently advanced in the development of bulk power supply alternatives to be able to undertake ownership participation in the Hatch Unit. He said:

> We would be interested in participation in the financing or purchase of nuclear power generation if we could be relieved of the anticompetitive burdens noted heretofore; however, such participation would not be feasible or consistent with the objectives stated above unless we had had necessary ancillary arrangements such as reserve sharing on fair terms, use of transmission to coordinate nuclear power entitlements with

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[5] 35 F.P.C. at 448.

[6] *Georgia Power Co.*, Dockets No. E-7099 and 7193, 35 F.P.C. 436, aff'd, *Georgia Power Co. v. FPC*, 383 F. 2d 485 (CA5 1967).

[7] The problem of competing with Applicant for large retail load is further complicated by the fact that a wholesale purchaser no longer has any contractual assurance that Applicant will furnish a new delivery point to provide service to loads inaccessible from existing delivery points. Following the FPC's 1966 order, Applicant deleted the following provision from its wholesale rate schedules:

> Should the customer desire service at a load center not now reached by existing lines the company will extend its lines to such load center provided the prospective load is not less than 200 kw.

our hydroelectric power entitlements on fair terms, and other coordination on fair terms which requires access to transmission and to coordinated planning and operating arrangements.

Consequently this is a situation, like that which we described in our Consumers Power Co. letter of advice,[8] in which practices by the Applicant in the exercise of its monopoly control over bulk power production appear to have left the other systems in the area in a position in which they are unable directly to obtain access to the advantages of large-scale nuclear power production. While it may be said that they will obtain indirect access to the advantages of nuclear power production through their wholesale purchases from Applicant, these purchases, as we have indicated above, are surrounded by restrictions which preclude the purchasers' development of bulk power alternatives and which assure continuance of Applicant's monopoly control.

If, after a full evidentiary hearing, it is determined that the practices outlined above do exist, it would appear that the activities in which Applicant would be engaged under an unconditioned license would "maintain a situation inconsistent with the antitrust laws." In these circumstances, if the Commission should decide that Georgia Power Co. otherwise qualifies for issuance of a permit, it should impose appropriate conditions to eliminate the anticompetitive activities which enable Applicant to maintain the above-described situation. Appropriate conditions would provide relief against the following activities of the Applicant, among others:

(1) Refusal to transfer wholesale power except at relatively low voltages, in order to preclude competition from existing wholesale customers for large industrial loads, and to prevent the development and expansion of coordinated subtransmission systems among wholesale customers;

(2) Territorial allocation schemes with adjacent utilities (including Georgia Power's affiliates) in other States who might otherwise be available as alternative sources of bulk power supply;

(3) Territorial restrictions, customer restrictions, and restrictions on the resale of power delivered by Georgia Power under its wholesale contracts;

(4) Requiring of excessive reserves as a condition for interconnection between Georgia Power and other electric utilities; and

(5) Inclusion of unreasonable restrictions in SEPA power wheeling contracts in order to forestall development of new generation by other electric utilities.

[FR Doc.72-12608 Filed 8-10-72;8:45 am]

[Dockets Nos. 50-404A and 405A]

VIRGINIA ELECTRIC & POWER CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States (dated August 1, 1972), a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX "A"

Virginia Electric and Power Co., North Anna Power Station Units 3 and 4, AEC Dockets Nos. 50-404 and 50-405, Department of Justice File No. 60-415-51.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970), in regard to the above cited application.

By letter dated May 1, 1972, the Department advised the Commission that several parties had informed us of certain actions of the Applicant which raised possible antitrust questions, but that further discussions with the Applicant might resolve such questions. Such discussions have occurred, and the Department now submits further advice on this application.

INTRODUCTION

Virginia Electric and Power Co. (Vepco) is applying for a construction license to build two additional nuclear generating units, designated as Units 3 and 4, at its North Anna Power Station on the North Anna River in Louisa County, Va. The Commission previously has granted a construction permit to Vepco for North Anna Units 1 and 2 which are now under construction.

North Anna Units 3 and 4 will each have a net generating capacity of approximately 950 mw., and are scheduled for commercial operation in 1977 and 1978, respectively. The cost of Units 3 and 4 is estimated to be at least $630 million, including the initial nuclear fuel core and one-half of the cost of the reservoir to be built for all four North Anna units.

THE APPLICANT

Vepco is a large fully integrated utility which supplies electricity to over 1 million customers in a three state area. In 1971 it received electric operating revenues of $390,470,000, of which 92 percent were derived from Virginia, 7 percent from North Carolina and 1 percent from West Virginia. As set forth in detail in our letter of advice of July 2, 1971, concerning Vepco's application for a license for Units 1 and 2 at North Anna Power Station,[1] Vepco is interconnected with neighboring utilities and has entered into certain power exchange agreements with them. Through these arrangements and other working relationships with its neighboring utilities, Vepco has been able to obtain the benefits—both in terms of cost and reliability—from reserve sharing and coordinated planning and operation. These arrangements have also permitted Vepco to take advantage of economies of scale in bulk power supply by construction of large generating units such as the North Anna Units.

APPLICANT'S COMPETITORS

There are 41 smaller utilities—municipally owned systems and rural electric cooperatives—which buy power at wholesale from Vepco. As discussed more fully in our letter of advice of July 2, 1971 on North Anna Units 1 and 2, Vepco has a virtual monopoly in the generation and transmission of electric power in its service area. Consequently, Vepco supplies all or most of the power needs of these smaller utilities which now basically distribute power produced and transmitted by Vepco. Since these smaller utilities have no generation and transmission system of their own, they cannot engage in coordinated operations to obtain economies and reliability in power supply without the cooperation of Vepco.

Subsequent to our letter of advice concerning North Anna Units 1 and 2, three entities have approached Vepco concerning possible coordinated operations, including possible ownership participation in North Anna Units 3 and 4.

1. Manassas, Va.

On December 13, 1971, the municipal electric system in Manassas asked Vepco for ownership participation in North Anna Units 3 and 4, and suggested that such participation be an amount equivalent to the same percentage of Manassas' load these two units would comprise of Vepco's total generation. On March 1, 1972, following discussions with officials of Manassas, Vepco offered Manassas a possible 0.2142 percent share in Units 3 and 4, which was equivalent to the percentage of Vepco's peak load accounted for by Manassas' load. Manassas has not responded to Vepco's offer. We are informed, however, that for a variety of reasons the town council has tentatively decided not to accept the offer at this time.

2. Old Dominion Electric Cooperative.

Old Dominion is the wholesale power bargaining agent for the 13 rural electric cooperatives in Virginia which buy power at wholesale from Vepco.[2] It is projected that by 1978 their combined load will be 550 mw. In January of this year representatives of Old Dominion met with officials of Vepco to discuss the possibility of Old Dominion owning part of its own generation to be operated in coordination with Vepco. As part of this plan, Old Dominion raised the possibility of owning a pro rata share of the North Anna units. Vepco expressed a general willingness to discuss such matters. On February 23, 1972, Mr. J. R. Allin, coordinator of Old Dominion, wrote to Vepco asking to meet with Vepco officials to discuss five possible arrangements by which Old Dominion might own and control a portion of its power supply resources: (1) wheeling by Vepco of power and energy from generating sources owned or controlled by Old Dominion; (2) coordinated economic

[8] Antitrust Advice Letter of June 28, 1971, regarding Consumers Power Co., Midland Units 1 and 2.

[1] The Department advised the Commission on July 2, 1971 that, if Vepco amended its contracts with municipal and rural electric cooperative wholesale customers to eliminate certain restrictive provisions, no antitrust hearing would appear to be necessary concerning that application. Vepco made changes in the contracts and on Feb. 24, 1972, the Department advised the Commission that the condition of the previous antitrust advice had been satisfied.

[2] The Department's letter of July 2, 1971, describes in detail the formation of Old Dominion and its unsuccessful efforts over 20 years ago to establish a separate generation and transmission system.

dispatch of power purchased or generated by Old Dominion; (3) ownership participation by Old Dominion in nuclear units and unit power purchases; (4) jointly owned or operated generating plants; and (5) coordinated operations including reserve sharing, economy energy exchange and emergency backup.

On June 28, 1972, Mr. T. Justin Moore, Jr., president of Vepco, responded to Old Dominion's letter. In general, Mr. Moore indicated that Vepco would discuss all five arrangements and would deal with Old Dominion on the same basis as any other utility. Specifically, Mr. Moore stated:

1. Vepco will interconnect with any neighboring utility if it can be shown that benefits accrue to both parties, and the benefits to Vepco exceed the costs to Vepco.

2. Vepco will interchange electric bulk power with any neighboring utility when net benefits accrue to both parties.

3. Vepco will wheel bulk power over its transmission system for Old Dominion on the same terms it would wheel bulk power for any other interconnected neighbor.

On the specific question of ownership participation in nuclear units, Mr. Moore stated that Vepco would gladly discuss the question and evaluate any specific proposals by Old Dominion. Mr. Moore added that Vepco "would have no reluctance to entertain suggestions for coordinated operation with Old Dominion."

Old Dominion has scheduled a meeting of its members later this month to discuss Vepco's response, and to begin to formulate more specific proposals to carry out some of the general concepts agreed to by Vepco, including possible ownership participation in the North Anna Units.

3. *Epic.*

In 1968 a group of municipally owned systems and rural electric cooperatives in North Carolina formed EPIC (Electric Power in Carolina Cities and Cooperatives) to study the feasibility of constructing a generation and transmission system to supply their bulk power requirements. In 1970 the load of the Epic members was approximately 1,520 mw. with a 1980 projected load of 3,410 mw. At present Epic members purchase nearly all their wholesale power from three privately owned utilities: Duke Power Co., Carolina Power and Light Co. and Vepco. A minor amount of power is supplied by self-generation and the Southeastern Power Administration.

A preliminary engineering report on the Epic power supply plan has been prepared with a final report expected at the end of this year. To be economically feasible, the Epic system would have to be interconnected with and operate in coordination with, other utilities in North Carolina, including Vepco.

Officials of Epic are skeptical that Vepco would enter into such arrangements because of two recent incidents. First, as discussed in our letter of advice on North Anna Units 1 and 2, in 1969, Vepco had rejected the proposals of 11 North Carolina municipals which sought ownership participation in Vepco's proposed Marble Valley hydro pumped storage project as well as commitments from Vepco jointly to construct a generating plant, to wheel power, interconnect and coordinate operations with the municipalities. Secondly, also in 1969, Vepco had waged a vigorous campaign to dissuade the municipals in North Carolina from joining or supporting Epic.

In light of the foregoing, Epic believed that it would not be successful in obtaining any specific commitments from Vepco to coordinate or interconnect with the proposed Epic system. In 1970, however, Epic officials did present the initial plans for Epic to Vepco. Although no specifics were discussed, Vepco at that time expressed a general willingness to discuss wheeling, interconnection and coordinated development with the proposed Epic system.

Now Epic seeks to obtain from Vepco the same kind of commitments as those made by Florida Power Corp. to interconnect and coordinate reserves with any entity in its area having a bulk power supply, to coordinate in planning and construction of facilities, to wheel power and to purchase and sell bulk power to any bulk power supplier in its area.[3] Epic also wants such commitments to be made express conditions to the license of North Anna Units 3 and 4.

When informed of Epic's position, the response of Vepco's counsel was that the commitments sought by Epic did not appear to extend beyond what Vepco had already agreed to do in previous general discussions with Epic officials. On June 28, 1972, President Moore of Vepco, set forth Vepco's position in a letter to Mr. J. Garner Bagnal, President of Epic. Mr. Moore noted that Vepco would "conduct its business with Epic just as it does with any other electric bulk power supplier." He specifically enunciated what he said has been Vepco's policy on the various matters raised by Epic in the same terms as those which are quoted above from the letter sent simultaneously to Old Dominion Electric Cooperative. Since that time, Epic has requested Vepco to spell out more precisely how it proposes to carry out these commitments.

Conclusions

In our previous letter of advice concerning Vepco's North Anna Units 1 and 2, we described certain inconclusive incidents suggesting possible anticompetitive actions by Vepco toward the municipals and cooperatives in its area. We now have additional information concerning actions by Vepco to stop the formation of Epic, and we have also received certain allegations by some parties that at least one of the reasons for the dissolution of the Carva Pool, of which Vepco was a member, was to keep municipals from joining the pool and thereby gaining the benefits of coordinated operation.

However, it is also evident that Vepco has recently taken steps to eliminate the possible antitrust problems with the municipals and cooperatives in its area. Following our letter of advice on North Anna Units 1 and 2, Vepco carried out its pledge to amend its wholesale power contracts to eliminate those provisions which could have been used to restrict access of its wholesale customers to alternative bulk power arrangements. Vepco has told the municipal electric system in Manassas, Va., that it would allow the town to acquire ownership participation in North Anna Units 3 and 4. Most importantly, Vepco has made general written commitments both to Old Dominion and Epic to deal with these entities as it would with any other power suppliers, including coordination, interconnection and wheeling arrangements.

We perceive certain ambiguities in the stated policy of Vepco which do not appear susceptible of resolution prior to rendering of our advice unless that advice were to be further postponed for at least several more weeks. Under the circumstances, the Department concludes the appropriate course of action is to inform the Commission of its views on this application without further delay.

We are mindful of the antitrust caseload of the Commission and are desirous of assisting the Commission to avoid an antitrust hearing on this application, if that is possible. Since Vepco has previously demonstrated good faith in resolving antitrust problems by its actions in connection with the antitrust advice on North Anna Units 1 and 2, and appears to be moving toward reasonable cooperations with Old Dominion and Epic, as reflected by its recent policy statements, the Department does not at this point recommend an antitrust hearing. In the usual course, a month or two may elapse before the Commission must decide whether to order an antitrust hearing. Within that time it will be apparent whether or not Vepco is moving with all deliberate speed to resolve the matters of antitrust concern. In the light of additional developments, the Commission can then decide whether an antitrust hearing should be held.

If Vepco should fail to implement the policy on cooperation and coordination which it has stated in its letters to Old Dominion and Epic, or should refuse to take reasonable positions on the details for effectuation thereof, this would be strong evidence of Vepco's misuse of its monopoly position in generation and transmission in its service area.

Department of Justice

Washington, D.C. 20530

Attachment

February 11, 1972.

Marcus A. Rowden, Esq.,
Associate General Counsel,
United States Atomic Energy Commission,
Washington, D.C. 20545.

Re: Florida Power Corp., Crystal River Nuclear Generating, Plant Unit 3, AEC Docket No. 50-302, Department of Justice File 60-415-38.

Dear Mr. Rowden: You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970), in regard to the above cited application.

Introduction

The Crystal River No. 3 unit, an 825 mw. nuclear unit, will be Applicant's first nuclear generating unit. It is to be located at Florida Power Corp.'s Crystal River Generating Station located in Western Citrus County, Fla., where it presently has two fossil fuel units. A hearing on its application for operating license was requested on June 2, 1971, by the Gainesville Utilities Department pursuant to the provisions of section 105c(3) of the Atomic Energy Act of 1954, as amended.

Applicant

Applicant is one of three major independent vertically integrated electric utilities in Florida; the other two are the Florida Power and Light Co. serving in southern and east coast Florida, and the Tampa Electric Co. serving in metropolitan Tampa and the surrounding area. Applicant serves central and west coast areas of Florida, in St. Petersburg and to the north, having a total service area in excess of 20,000 square miles. Other major systems in Florida include the Gulf Power Co. serving the Florida Panhandle (a subsidiary of the Southern Co. system which extends over Georgia and portions of Alabama and Mississippi) and the large municipal systems in the cities of Jacksonville and Orlando.

Applicant's 1970 peak load was approximately 2 million kilowatts. Applicant's total assets as of 1970 exceeded $676 million; its

[3] See the Department of Justice's letter of advice to the Commission on Florida Power Corp.'s Crystal River Nuclear Generating Plant, Unit 3, dated Feb. 11, 1972, and letter from Florida Power Corp. dated Dec. 6, 1971, attached thereto.

electric operating revenues for 1970 were $158,145,000.

Its eight major steam generating stations with a total capability in excess of 2 million kilowatts and its gas turbine stations with a total of 239,000 kilowatts are integrated into a generating system by over 3,300 circuit miles of high voltage transmission, including 698 miles of 230 kv. transmission, over a thousand miles of 115 kv. transmission, and almost 1,500 miles of 69 kv. transmission. The foregoing transmission is virtually all the high voltage transmission in its area.

The population in the retail territory served by Applicant is approximately 2,140,000 which it serves through approximately 13,000 pole miles of distribution facilities. Its bulk power supply system is interconnected with and coordinated with bulk power supply facilities of the Southern System, the Tampa Electric Co., Florida Power and Light Co., and the city of Orlando, through high voltage interconnections. It also has or will soon have interconnections with the city of Gainesville, the city of Sebring, the city of Tallahassee, and the city of Wauchula. It supplies electric power in bulk to a number of municipal and cooperative retail distribution systems operating in its general area.

Competition

Florida law does not require electric utilities to restrict their retail or wholesale service areas. Bills which would restrict service areas have been proposed from time to time in the Florida legislature but have failed to pass. The Florida Public Service Commission has approved a number of voluntary territorial agreements reached by Applicant with several adjacent systems.

Some of the foregoing territorial agreements purported to cover the provision of power in bulk. However, these provisions were the subject of a complaint filed under section 1 of the Sherman Act in a district court in Florida by the Department and in a consent decree entered August 19, 1971, in U.S. v. Florida Power Corp., et al., 68–297, Civ. T., 1971 Trade Cases ¶ 73, 637, Applicant agreed to remove any such agreements with other electric utilities so far as the provision of electric power in bulk was concerned, including coordinating power and energy.

There is a small amount of hydroelectric power marketed from a Federal hydroelectric project on the Florida-Georgia boundary. Some of the large municipals in the area generate all or part of their bulk power supply but the economic feasibility of obtaining a competitive bulk supply is dependent in large measure on their obtaining the economies of scale available from access to coordination over which Applicant has control.

Market Power

Applicant owns and controls all the high voltage transmission in its general area which gives it the ability to integrate its generation and load into a large system and through its interconnections with other utilities (and consequent access to major regional systems) to obtain the economies of scale and the ability to install large generating units such as the captioned unit. It has engaged and is now engaging in the sale in bulk of the full electric power supply requirements of a number of distribution systems operating in its service area but it is alleged that it has at other times refused to engage in such sale. It has from time to time interconnected its bulk power supply system through high voltage interconnections for the purpose of sharing reserves and coordinating the development of its system with that of adjacent systems, and engaging in other varieties of coordination. It has been alleged that it has from time to time refused to coordinate its generation with that of some of the smaller systems in its area or has sought to condition such coordination on the execution of a territorial allocation. Pursuant to an order of the Federal Power Commission, the city of Gainesville was granted relief from Florida Power Corp.'s refusal to interconnect and coordinate installed reserves and other varieties of operating coordination. 40 FPC 1227 aff'd in part 425 F. 2d 1196 (CA 5, 1970) aff'd wholly, Gainesville Utilities Dept., et al. v. Florida Power Corp., 402 U.S. 515 (1971). However, the Federal Power Commission is limited in the varieties of coordination it may compel by a proviso in section 202b of its Act which limits compulsory coordination to that which can be effected without compelling the jurisdictional utility to increase its generating capacity. The Applicant has voluntarily engaged in some transactions of coordinated development with major and small utilities in its area by purchasing "unit power." It has been alleged that from time to time it has refused to engage in such transactions.

An alternative for small systems in Florida to engage in coordinated development is by transactions with other small systems. However, such arrangements would be economically feasible only if such systems could wheel power over transmission lines of the Applicant. The Federal Power Commission lacks authority to compel Applicant to enter into wheeling arrangements which might permit smaller systems in Applicant's area to achieve a feasible program of coordinated development among themselves. Although Applicant now wheels power over its system between the Southeastern Power Administration's Jim Woodruff project and a number of independent systems in its area, it has been alleged that Applicant has at other times refused to engage in wheeling transactions.

Discussion

Applicant's strategic dominance over high voltage transmission in a major area in Florida may give it control over its competitors' access to a competitive bulk power supply. Such control of bulk power supply may also impair competition at the retail level. U.S. v. Otter Tail Power Co., 1971 Trade Cases ¶73, 692 (D. Minn. Sept. 9, 1971). Thus, Applicant's policies regarding whether or not it will sell power in bulk to independent distribution systems and whether or not it will interconnect and the extent to which it will coordinate with smaller systems maintaining independent generating facilities could lead to unlawful monopolization of the electric power business in a major area of Florida, if the market power Applicant holds by virtue of its ownership of transmission were to be abused. Small systems in this area have represented to the Department that the past course of conduct pursued by the Applicant has had this effect.

When these matters were raised with representatives of the Applicant, they denied that its actions were made with the intent to monopolize or with such effect. However, Applicant has agreed to pursue henceforth a course of action which should preclude such problems arising in the future. Applicant has agreed to undertake commitments to interconnect and coordinate reserves with any entity in its area having a bulk power supply, to purchase and sell bulk power to any other such entity and to coordinate in the planning of new generation and transmission, and to wheel power over Applicants' system between entities with which it is interconnected. These commitments, set forth in the attached letter of Applicant to the Department of Justice dated December 6, 1971, collectively state a policy which should tend to eliminate abuses possible from Applicant's unregulated monopoly control over transmission.

The commitments in the attachment were explored fully with Applicant to determine whether they would provide a satisfactory basis for recommending issuance of a license conditioned by such commitments, without necessity for hearing. In the course of these discussions, Applicant stated that its commitment to:

> . . . interconnect with and coordinate reserves by means of the sale and exchange of emergency bulk power with any entity or entities in its service area engaging in or proposing to engage in electric bulk power supply on terms that will provide for Applicant's costs (including a reasonable return) in connection therewith and allow the other participant(s) full access to the benefits of reserve coordination (Letter, paragraph No. 1)

includes interconnection at the highest transmission voltage available from installed facilities in the area where such arrangement was economically feasible, and that it contemplates an arrangement similar to that of the "Gainesville" interconnection in which the smaller system's reserve responsibility is not tied to its largest unit size, and in which emergency power supply is not limited to a fixed amount, but would be supplied to the fullest extent available where such supply does not impair service to Applicant's customers.

Applicant also clarified its commitment to:

> * * * facilitate the exchange of bulk power by transmission over its system between or among two or more entities with which it is interconnected on terms which will fully compensate it for the use of its system to the extent that subject arrangements reasonably can be accommodated from a functional and technical standpoint (Letter, paragraph No. 3)

as not being limited to systems to which it is interconnected at the time of its commitment, but as also including those with which it might, in the future, be interconnected, including those interconnections obtained by virtue of its commitments in paragraph No. 1 of its attached letter.

Applicant declines to commit itself to sales of "unit power" or "deficiency power" at the cost of new power supply, or to engage in joint ventures which could have the same result.[1] It asserts that it has never made any such sales to any electric utility and has not engaged in joint ventures. However, Applicant assures us that it would engage in these transactions with smaller systems in its area if it entered into such transactions with any "wholesale customer." (In this context Applicant uses the term "wholesale customer" to include any other party to an interconnection arrangement.) Applicant is agreeable to this understanding being reflected in the conditions to the license which it seeks.

As noted above, Applicant apparently has not discriminated against smaller systems by engaging in "unit power sales" or sales of "deficiency power" to other entities at Applicant's costs of new power supply, or by engaging in joint ventures with any other entity. Also, the size and geographical distribution of smaller systems in Applicant's area of Florida is such that the commitments Applicant is now making and willing to have imposed as conditions to its license, particularly the commitment to wheel power contained in paragraph No. 3 of its letter of December 6, 1971, afford such smaller

[1] Gainesville requested participation in the captioned unit as early as 1968.

systems the opportunity to construct at least one alternative which would give them competitively reliable and competitively low cost bulk power. For example, independent smaller systems in the area could construct large units to supply their needs, protecting themselves against the risk of forced outage by typical industry reserve sharing arrangements with and through Applicant's system. Further, they could enter into coordinated development with any other independent system reached by Applicant's transmission lines. If experience under the license conditions which we now recommend shows that this result would not be obtained, this would be a factor for consideration in antitrust review of any subsequent license applications by this Applicant.

It appears that if Florida Power Corp's. commitments were to be imposed as license conditions by the Commission, the question of accommodating antitrust policies with power needs in this case would be satisfactorily resolved. Accordingly, we recommend that the commitments proposed by Florida Power Corp. be imposed by the Commission as license conditions as agreed to by the Applicant. If this were done there would be no need for an antitrust hearing in this matter.

FLORIDA POWER CORP.

ST. PETERSBURG, FLA.

DECEMBER 6, 1971.

Mr. JOSEPH J. SAUNDERS,
Chief, Public Counsel and Legislative Section, U.S. Department of Justice, Washington, D.C. 20530.

Re: Florida Power Corp., Crystal River Nuclear Generating Plant No. 3, AEC Docket No. 50-302A, Department of Justice File 60-415-38.

DEAR MR. SAUNDERS: With regard to the antitrust review of the above nuclear licensing application being conducted by the Antitrust Division of the Department of Justice, we are most appreciative of the opportunity afforded us Wednesday, December 1, 1971, to meet with you and Messrs. Wallace B. Brand and Milton J. Grossman of of the Antitrust Division. Florida Power Corp. (Applicant) was represented at the meeting by Bernhard G. Bechhoefer, Esq., of Washington, D.C., Mr. Harry A. Evertz III, an Assistant Counsel of Florida Power Corp., and myself.

Your staff has suggested that our installation and operation of the Crystal River Unit No. 3 nuclear generating unit has the potential of creating a situation inconsistent with the antitrust laws. The areas of potential inconsistency would arise out of Florida Power Corp.'s ownership and operation of the Crystal River Unit No. 3, coupled with restrictive policies regarding: (1) Emergency bulk power exchanges and coordination of reserves; (2) coordinating with other entities planning for generation, transmission, and associated facilities; (3) exchange of power between two or more entities; and (4) bulk power sales for resale. To alleviate your staff's concern that any of Florida Power Corp.'s bulk power policies may have the potential of creating a situation inconsistent with the antitrust laws, and solely for the purpose of obviating the need for any antitrust hearing in the above-captioned proceeding, Applicant sets forth below its policies, regarding the above four expressed concerns, which it will maintain during the license period of the Crystal River No. 3 nuclear generating unit.

1. Applicant will interconnect with and coordinate reserves by means of the sale and exchange of emergency bulk power with any entity or entities in its service area engaging in or proposing to engage in electric bulk power supply on terms that will provide for Applicant's costs (including a reasonable return) in connection therewith and allow the other participant(s) full access to the benefits of reserve coordination.

2. Applicant will purchase from or sell "bulk power" to any other entity or entities in the aforesaid area engaging in or proposing to engage in the generation of electric power in bulk, at its costs (including a reasonable return) when such transactions would serve to reduce the overall costs of new bulk power supply for itself or the other participant or participants to the transaction. This refers specifically to the opportunity to coordinate in the planning of new generation, transmission, and associated facilities.

3. Applicant will facilitate the exchange of bulk power by transmission over its system between or among two or more entities with which it is interconnected on terms which will fully compensate it for the use of its system to the extent that subject arrangements reasonably can be accommodated from a functional and technical standpoint.

4. Applicant will sell power in bulk to any entity in the aforesaid area now engaging in or proposing to engage in the retail distribution of electric power.

The implementation of the foregoing policies and transactions shall be consistent with the provisions of the Federal Power Act. Further, all rates, charges, or practices in connection therewith will be subject to the approval of those regulatory agencies having jurisdiction over them. Nothing in this letter shall be construed to be a waiver by the Applicant of its right to contest whether or not a future factual situation is inconsistent with any of the foregoing policies.

As a further showing of its intent to continue the above policies, the Applicant would not object to the inclusion of this letter and its statements of policy being made a part of any licensing action forthcoming from the U.S. Atomic Energy Commission specifically directed toward its Crystal River Unit No. 3 nuclear generating plant for which the subject application is pending.

Sincerely yours,

J. T. RODGERS,
Assistant Vice President and Nuclear Project Manager.

[FR Doc.72-12609 Filed 8-10-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23557; Order 72-8-22]

EXECUTIVE AIR TRAVEL, INC.

Order Fixing Final Mail Rate

Issued under delegated authority August 4, 1972.

All interested persons, and particularly the parties named below[1] were directed to show cause by Order 71-7-51, dated July 9, 1971, why the Board should not establish for Executive Air Travel, Inc. (Executive) a final service mail rate of $1.49 per great circle mile for the transportation of mail by aircraft between Kansas City, Mo., and Minneapolis, Minn. subject to the conditions contained in the Order.

On July 19, 1971, North Central Airlines (North Central) filed a notice of objection to the show cause order which was timely followed by an explanation on August 9, 1971 setting forth the reasons for objecting.

The Postal Service by letter, dated April 24, 1972, advised the Board that Notice of Intent No. 71-62, filed June 25, 1971, awarding the above service to Executive was terminated, effective April 7, 1972.

On July 28, 1972, by letter, North Central states that having been advised of the termination, effective April 7, 1972, of Executive's service covered by the proposed rate, it now appears that their objection is moot, and it is hereby withdrawn.

Upon consideration of the record and withdrawal of North Central's objection as stated above, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof and the Board's regulations, 14 CFR Part 302, and 298:

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Executive Air Travel, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be $1.49 per great circle aircraft mile between Kansas City, Mo. and Minneapolis, Minn. based on 10 one-way trips per week flown with Beech 99 aircraft.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

3. This order shall be served on Executive Air Travel, Inc., the Postmaster General, Braniff Airways, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12700 Filed 8-10-72;8:53 am]

[1] Executive Air Travel, Inc., the Postmaster General, Braniff Airways, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

[Docket No. 24134; Order 72-8-14]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Amended Order to Show Cause Regarding Mail Service Rate

Issued under delegated authority August 3, 1972.

By this order the Board proposes to amend Order 72-6-24, dated June 6, 1972, to increase the service mail rate received by Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operating pursuant to 14 CFR, Part 298. Order 72-6-24 directed all interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., and the Post-

master General to show cause why the Board should not adopt the final rate during the period and over the route applicable therein.[1] On June 1 Sedalia filed an unauthorized document stating that some of the documents supporting the requested mail rate increase had been misplaced and were now being sent to the Postal Service. The unauthorized document was received too late to affect the issuance of the show cause order. On June 14, Sedalia filed an objection to the order. In response to both the objection, the unauthorized document filed by Sedalia, and in light of the information described in that document, the Postal Service filed a petition increasing still further the rate proposed. The rate would increase from a proposed rate of 77.74 cents to 78.22 cents per great circle aircraft mile, reflecting the previously undocumented increases in engine and general overhead expenses. These increased costs are shown and explained in the Form 2751–C attached to the petition. On July 21, 1972, Sedalia filed an answer to that petition agreeing with the Postal Service.

Based upon our review of the new information, together with all other relevant data, we find that the proposed increase does not appear unreasonable. Thus, we propose to amend Order 72–6–24 to reflect increased engine overhaul and general overhead expense, and increase the proposed mail rate from 77.74 cents to 78.22 cents per great circle aircraft mile.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR Part 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and amend the final rate specified in Order 72–6–24 as provided herein.

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and, if there is any objection to the amendments or to the findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and in Order 72–6–24 and fix and determine the final rates specified in Order 72–6–24, as amended herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12701 Filed 8-10-72;8:53 am]

[1] The rate would be applicable on and after January 17, 1972 between St. Louis and Kansas City, Mo., based on a minimum of five round trips per week flown with Beech-Turbine twin engine aircraft.

[2] Ibid.

ENVIRONMENTAL PROTECTION AGENCY

ABBOTT LABORATORIES

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1296) has been filed by Abbott Laboratories, North Chicago, Ill. 60064, proposing establishment of a tolerance (40 CFR Part 180) for residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane at 0.15 part per million.

The analytical method proposed in the petition for determining residues of the plant regulator is that of J. Gordon and R. Pankratz, "Journal of Agricultural and Food Chemistry," vol. 16, pp. 520–522 (1968).

Dated: August 3, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72-12695 Filed 8-10-72;8:53 am]

COORDINATION PRODUCT OF ZINC ION AND MANEB

Notice of Establishment of Temporary Tolerance

In response to a request from the University of Minnesota, St. Paul, Minn. 55110, a temporary tolerance is established for residues of the fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on pinto beans (dry) at 7 parts per million.

It has been determined that a temporary tolerance for residues of the fungicide in or on pinto beans (dry) at 7 parts per million will protect the public health. This temporary tolerance is established on condition that the fungicide will be used in accordance with the temporary permit which is being issued concurrently.

This temporary tolerance expires December 31, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: August 4, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Program.

[FR Doc. 72-12696 Filed 8-10-72;8:53 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 131]

FIDELITY FINANCIAL CORPORATION AND FIDELITY SAVINGS AND LOAN ASSOCIATION

Notice of Receipt of Application for Approval of Acquisition of Control of Senator Savings and Loan Association

AUGUST 7, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from the Fidelity Financial Corp., Sacramento, Calif., a unitary savings and loan holding company, and Fidelity Savings and Loan Association, Oakland, Calif., for approval of acquisition of control of the Senator Savings and Loan Association, Sacramento, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holdings companies, said acquisition to be effected by the purchase for cash of guarantee capital stock of Senator Savings and Loan Association and, in addition, the payment to Mr. Carl Hoag of cash or stock in Fidelity Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.72-12655 Filed 8-10-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 608]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 7, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

485–C2–P–(3)–73—South Central Bell Telephone Co. (KKM578), replace transmitters operating on 152.510 and 152.750 MHz base and 157.770 and 158.010 MHz test, located at 6.5 miles southeast of Natchez, Miss.

486–C2–P–73—General Communications Service, Inc. (New), for a new one-way station to be located atop Mount Elden, 4 miles northeast of Flagstaff, Ariz., to operate on 152.240 MHz.

487–C2–P–(2)–73—Same (KOE254), change the antenna system operating on 152.030 and 152.060 MHz at location No. 6: Atop of Mount Elden, 4 miles northeast of Flagstaff, Ariz.

488–C2–P–(2)–73—Empire Communications Co. (KOK331), replace transmitters operating on 152.180 MHz base and 459.150 MHz repeater, located 3 miles north-northeast of Eugene on Coburg Ridge, Oreg.

516–C2–TC–(2)–73—Gulf Mobilphone Alabama, Inc. Consent to transfer of control from John N. Palmer and Frank L. Yates, Jr., transferors, to Middle-South Communication Systems, Inc., transferees. Stations: KRS664 and KTS206 Mobile, Ala.

517–C2–P–73—Morris Communications, Inc. (New), for a new one-way station to be located at 800 North Fant Street, Anderson, SC, to operate on 152.240 MHz.

563–C2–P–73—RAM Broadcasting of Indiana, Inc. (KSD327), for additional facilities to operate on 152.180 MHz at a new site described as location No. 2: 1 Indiana Square, Indianapolis, Ind.

579–C2–P–(2)–73—Radiofone Corporation of New Jersey (New), for a new two-way station to be located at location No. 1: Pine Hill, Mount Clement Avenue, N.J., to operate on 454.150 MHz and location No. 2: 0.55 mile west of Milmay, N.J., to operate on 454.175 MHz.

580–C2–P–73—Radiofone Corporation of New Jersey (KGI778), replace transmitter operating on 454.275 MHz, located at Mountainside, N.J.

581–C2–P–73—Robert S. Ditton (KLF563), for additional facilities to operate on 152.150 MHz at a new site described as location No. 4: Krell Hill, 3 miles southeast of Spokane, Wash.

582–C2–P–73—Carteret Radio Telephone Service (New), for a new two-way station to be located at 704 Bridges Street, Morehead City, NC, to operate on 152.090 MHz.

583–C2–P–73—Northwestern Bell Telephone Co. (New), for a new one-way station to be located at 103 North Fifth Street, Grand Forks, ND, to operate on 152.840 MHz.

625–C2–P–73—Mobile Radio Dispatch Service, Inc. (KEA256), replace the transmitter and change the antenna system for facilities operating on 454.025 MHz, located 400 feet north Grandview Avenue, Edison, N.J.

628–C2–P–73—RAM Broadcasting of Texas, Inc. (KKG412), for additional facilities to operate on 152.090 MHz at new site described as location No. 6: 1907 Logan Street, Fort Worth, TX.

631–C2–ML–73—Industrial Communications (KOP321), change base frequency from 152.060 MHz to 152.090 MHz at location No. 1: Blue Mountain, Utah.

632–C2–P–(9)–73—Same (KOP321), for additional control facilities to operate on 454.100, 454.200, and 454.300 MHz at location No. 2: 625 West Fifth North Vernal, UT; add 152.060 and 152.180 MHz base; add 152.060, 152.090, 152.180, and 152.210 MHz standby facilities and 459.100, 459.200, and 459.300 MHz repeater facilities at a new site described as location No. 3: Marsh Peak, 23 miles northwest of Vernal, Utah.

634–C2–P–73—Curtain Call Communications, Inc. (KLF478), for additional facilities to operate on 152.210 MHz located at 5727 Tokay Boulevard, Madison, Wis.

635–C2–P–(2)–73—T. D. Miller III (KUA283), for additional facilities to operate on 459.275 MHz repeater located at north of Snow Camp, N.C., and add 454.275 MHz control at a new site described as location No. 2: 443 South Spring Street, Burlington, N.C.

636–C2–P–(3)–73—Pass Word, Inc. (KMM697), for additional facilities to operate on 152.060 MHz base and 459.250 MHz repeater at location No. 1: Mica Peak, 9.3 miles east, Spokane, Wash., and add control facilities to operate on 454.250 MHz at location No. 3: 1303 West First Avenue, Spokane, WA.

637–C2–P–(4)–73—San Juan Radio Telephone Corp. (WWA311), for additional facilities to operate on 152.030, 152.090, 152.150, and 152.210 MHz at location No. 4: Altos de La Mesa, Caguas, Puerto Rico.

Correction

7330–C2–P–(2)–72—AAA Telephone Answering Service (KLB781), corrected to read: Major amendment to application File No. 2637–C2–P–72. All other particulars are to remain as reported on Report No. 593, dated April 24, 1972.

RURAL RADIO SERVICE

595–C1–P–73—Southern Bell Telephone & Telegraph Co. (New), for a new rural subscriber station to be located on Bull Island, approximately 11 miles northeast of Isle of Palms, S.C., to operate on 157.89 and 157.95 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

494–C1–MP–73—American Telephone & Telegraph Co. (KAR84), 6 miles northeast of La Cygne, Kans. Latitude 38°24'14" N., longitude 94°40'27" W. C.P. to change frequencies 6197.2, 6315.9, and 6375.2 MHz to 6226.9V, 6286.2V, and 6345.5V MHz toward Hume, Mo.

495–C1–MP–73—Same (KAK43), 0.9 mile south-southwest of Hume, Mo. Latitude 38°04'29" N., longitude 94°35'42" W. C.P. to change frequencies 5945.2 and 6123.1 MHz to 6034.5H and 6093.5H MHz toward La Cygne, Kans.; change frequencies 5945.2, 6063.8, and 6123.1 MHz to 5974.8V, 6034.2V, and 6093.5V MHz toward Neveda, Mo.

496–C1–MP–73—Same (KAJ68), 4.1 miles northeast of Milo (Vernon), Mo. Latitude 37°45'35" N., longitude 94°13'18" W. C.P. to change frequencies 6197.2, 6315.9, and 6375.2 MHz to 6226.9H, 6286.2H, and 6345.5H MHz toward Hume, Mo.; change frequencies 6197.2, 6315.9, and 6375.2 MHz to 6226.9V, 6286.2V, and 6345.5V MHz toward Golden City Junction, Mo.

497–C1–MP–73—Same (KAJ70), 3.8 miles southwest of Golden City, Mo. Latitude 37°21′58″ N., longitude 94°09′48″ W. C.P. to change frequencies 5945.2, 6063.8, and 6123.1 MHz to 5974.8H, 6034.2H, and 6093.5H MHz toward Neveda, Mo.; change frequencies 5945.2, 6063.8, and 6123.1 MHz to 5974.8V, 6034.2V, and 6093.5V MHz toward Joplin, Mo.

498–C1–MP–73—Same (KAL79), 727 Pearl Street, Joplin, Mo. Latitude 37°05′04″ N., longitude 94°31′05″ W. C.P. to change frequencies 6197.2, 6315.9, and 6404.8 MHz to 6226.9H, 6286.2H, and 6345.5H MHz toward Golden City Junction, Mo.; frequency 6404.8 MHz to 6345.5H MHz toward Seneca, Mo.

499–C1–MP–73—Same (KAL80), 2.8 miles north-northeast of Seneca, Mo. Latitude 36°52′39″ N., longitude 94°35′45″ W. C.P. to change frequency 6152.8 MHz to 6093.5V MHz toward Joplin, Mo.; change frequency 6152.8 MHz to 6093.5H MHz toward Ketchum, Okla.

500–C1–MP–73—Same (KKK44), 2.6 miles north of Ketchum, Okla. Latitude 36°34′02″ N., longitude 95°01′17″ W. C.P. to change frequency 6404.8 MHz to 6345.5V MHz toward Seneca, Mo.; change frequency 6404.8 MHz to 6345.2H MHz toward Pryor, Okla.

501–C1–MP–73—Same (KKK45), 5.2 miles west of Pryor, Okla. Latitude 36°18′40″ N., longitude 95°24′34″ W. C.P. to change frequency 6152.8 MHz to 6345.5H MHz toward Ketchum, Okla.; change frequencies 5945.2 and 6063.8 MHz to 5974.8V and 6093.5V MHz toward Coweta, Okla.

502–C1–MP–73—Same (KKK43), 2 miles northeast of Coweta, Okla. Latitude 35°58′52″ N., longitude 95°37′44″ W. C.P. to change frequencies 6197.2 and 6315.9 MHz to 6226.9H and 6345.5H MHz toward Pryor, Okla.; change frequencies 6197.2, 6256.5, and 6315.9 MHz to 6226.9V, 6286.2V, and 6345.5V MHz toward Mounds, Okla.

503–C1–MP–73—Same (KLT59), 5.7 miles southwest of Mounds, Okla. Latitude 35°49′51″ N., longitude 96°08′42″ W. C.P. to change frequencies 5945.2, 5974.8, and 6063.8 MHz to 5974.8V, 6034.2V, and 6093.5V MHz toward Coweta, Okla.; change frequencies 5945.2 and 6123.1 MHz to 6034.2V and 6093.5V MHz toward Prague, Okla.

504–C1–MP–73—American Telephone & Telegraph Co. (KLT58), 2 miles east-northeast of Prague, Okla. Latitude 35°29′45″ N., longitude 96°38′49″ W. C.P. to change frequency 6286.2 MHz to 6256.5V MHz toward Mounds, Okla.; change frequency 6197.2 and 6404.8 to 6286.2V and 6345.5V MHz toward Harrah, Okla.

505–C1–MP–73—Same (KLT57), 2.5 miles west of Harrah, Okla. Latitude 35°29′19″ N., longitude 97°12′18″ W. C.P. to change frequency 6063.8 MHz to 6123.1V MHz toward Prague, Okla.; change frequency 5945.2 MHz to 6034.2V MHz toward Oklahoma City, Okla.

506–C1–P–73—Southwestern Bell Telephone Co. (KKB49), 10th and Washington Avenue, Waco, TX. Latitude 31°33′14″ N., longitude 97°08′13″ W. C.P. to add frequency 6323.3H MHz toward Bruceville, Tex.

507–C1–P–73—Same (KVD97), 117 North First Street, Temple, TX. Latitude 31°05′54″ N., longitude 97°20′28″ W. C.P. to add frequency 6308.4V MHz toward Bruceville, Tex.

508–C1–P–73—Same (KVD98), 1.3 miles southeast of Bruceville, Tex. Latitude 31°18′09″ N., longitude 97°13′36″ W. C.P. to add frequency 6071.2H MHz toward Waco, Tex.; 6056.4V MHz toward Temple, Tex.

509–C1–P–73—United Telephone Company of Florida (KIP60), 1517 Jackson Street, Fort Myers, FL. Latitude 26°38′39″ N., longitude 81°52′06″ W. C.P. to add frequency 3850H MHz toward Coconut, Fla.

510–C1–P–73—Same (KYO81), Spring Creek Road, 3.8 miles southwest of Estero, Coconut, Fla. Latitude 26°23′32″ N., longitude 81°49′31″ W. C.P. to add frequency 3810H MHz toward Fort Myers, Fla.; frequency 3810H MHz toward Naples, Fla.

511–C1–P–73—Same (KIQ74), 823 Fifth Avenue S., Naples, FL. Latitude 26°08′29″ N., longitude 81°47′46″ W. C.P. to add frequency 3850H MHz toward Coconut, Fla.

539–C1–P–73—General Telephone Company of the Southwest (KKK25), on Polk Street between West Second and West Santa Fe Street, Keyes, Okla. Latitude 36°48′36″ N., longitude 102°15′06″ W. C.P. to add frequency 2112.4H MHz toward Four Corners, Okla.

540–C1–P–73—Same (KLP80), 10 miles west-southwest of Four Corners, Okla. Latitude 36°44′18″ N., longitude 102°05′13″ W. C.P. to add frequency 6360.3H MHz toward Boise City, Okla.; 6390.0V MHz toward Eva, Okla.; 2162.4H MHz toward Keyes, Okla.

541–C1–P–73—Same (KLP81), 180 feet north of Main Street on Logan Street, Boise City, Okla. Latitude 36°43′49.07″ N., longitude 102°30′40.73″ W. C.P. to add frequency 6108.3H MHz toward Four Corners, Okla.

542–C1–P–73—Same (New), 9 miles east-southeast of Eva, Okla. Latitude 36°45′41.02″ N., longitude 101°45′11.96″ W. C.P. to add frequency 6137.9V MHz toward Four Corners, Okla.; frequency 5989.7H MHz toward Guymon, Okla.

INFORMATIVE: MCI Michigan, Inc., has filed three new applications, Files Nos. 513 through 515–C1–P–73, for Jackson, Lennon, and Detroit, Mich., respectively. Frequencies and points of communication contained in these new applications have been deleted from applications, Files Nos. 4331, 4334, and 4344–C1–P–70, for these same three stations. This action separates the proposal, contained in applications, Files Nos. 4320 through 4324, 4326, and 4329 through 4345–C1–P–70, 4073 and 4074–C1–P–72 and 7071 through 7074–C1–P–72, into four parts. Since these new applications make no change to the existing proposal (other than separation into four parts), the 30-day period specified by section 309(b) of the Communications Act does not apply.

Applications 4331, 4334, and 4344–C1–P–70 were filed February 6, 1970, and appeared on Public Notice February 16, 1970, FCC Report No. 479. Subsequent amendments appeared on Public Notice January 10, 1972, FCC Report No. 578 and April 10, 1972, FCC Report No. 591.

513–C1–P–73—MCI Michigan, Inc. (New), station located at 180 West Michigan Avenue, Jackson, MI. Latitude 42°14′44″ N., longitude 84°24′29″ W. Frequency 5974.8H MHz on azimuth 239°42′ toward Concord, Mich.

514–C1–P–72—Same (New), station located at 2.5 miles southwest of Lennon, Mich. Latitude 42°57′58″ N., longitude 83°58′21″ W. Frequency 5945.2V MHz on azimuth 356°12′ toward Laytons Corners, Mich.

515–C1–P–73—Same (New), station located at 500 Griswold Street, Detroit, MI. Latitude 42°19′47″ N., longitude 83°02′46″ W. Frequencies 11,265H and 11,665H MHz on azimuth 3°37′ toward Warren, Mich.

596–C1–P–73—Illinois Bell Telephone Co. (KYS91), 1504 Peoria Avenue, Dixon (Lee), IL. Latitude 41°49′43″ N., longitude 89°28′28″ W. C.P. to increase channel capacity and power output on existing facilities 6286.2V and 11,135V MHz toward Sterling, Ill.

597–C1–P–73—Same (KYS92), 506 North First Avenue, Sterling, IL. Latitude 41°47′28″ N., longitude 89°41′44″ W. C.P. to increase channel capacity and power output on existing facilities 6004.5V and 11,505V MHz toward Dixon, Ill.

633–C1–ML–73—American Telephone & Telegraph Co. (KQA87), 2.2 miles south-southwest of New Hope, Ohio. Latitude 39°45′51″ N., longitude 84°43′59″ W. C.P. to change polarization on frequencies 3710V, 3770H, 3790V, 3850H, 3870V, 3930H, 3950V, 4010H, 4030V, 4090H, 4110V, and 4170H toward Brookville, Ohio.

543–C1–P–73—General Telephone Company of the Southwest (KLP79), 113 East Fifth Street, Guymon, OK. Latitude 36°40′57″ N., longitude 101°28′48″ W. C.P. to add frequency 6241.7H MHz toward Eva, Okla.

598–C1–P–73—Highland Telephone Cooperative, Inc. (KJH38), Main Street, Oneida, Tenn. Latitude 36°30′00″ N., longitude 84°30′43″ W. C.P. to change frequency 6019.3 and 6360.3 to 6256.5H and 6375.2H MHz toward Sunbright, Tenn.

599–C1–P–73—Same (KJH39), 2.1 miles southwest of Sunbright (Morgan), Tenn. Latitude 36°13′14″ N., longitude 84°42′09″ W. C.P. to change frequency 5930.3 and 6271.3 MHz to 5945.2H and 6063.8H MHz toward Oneida, Tenn.; change frequency 6078.6 and 6419.6 MHz to 5974.8H and 6152.8H MHz toward Oakdale, Tenn.

600–C1–P–73—Same (KJH40), Main Street, Oakdale, Tenn. Latitude 35°59′06″ N., longitude 84°33′33″ W. C.P. to change frequency 5989.6 and 6330.6 MHz to 6256.5H and 6375.2H MHz toward Sunbright, Tenn.

640–C1–P–73—American Telephone & Telegraph Co. (KEE60), 2.5 miles northwest of Colesville, N.J. Latitude 41°18′14″ N., longitude 74°40′25″ W. C.P. to add frequency 3990H MHz toward Campbell Hall, N.Y.

641–C1–P–73—Same (KTQ68), 2 miles east of Campbell Hall, N.Y. Latitude 41°26′30″ N., longitude 74°13′43″ W. C.P. to add frequency 3950H MHz toward Colesville, N.J.; frequency 3950H MHz toward Putnam Valley, N.Y.

642–C1–P–73—Same (KTQ67), 3.9 miles east of Cold Spring (Putnam), N.Y. Latitude 41°-25′54″ N., longitude 73°52′52″ W. C.P. to add frequency 3990H MHz toward Campbell, N.Y.

Corrections

9360-C1-P-72—Indianapolis, Ind. (KSJ45), correct to read: Change antenna system and frequencies 6241.7H, 6360.3H, and 6301.0H to 6226.9H, 6345.5H, and 6286.2H MHz toward Noblesville, Ind. (Report No. 604-A, dated July 10, 1972.)

9361-C1-P-72—Noblesville, Ind. (KSV85), correct to read: Change antenna system and frequencies 5989.6H, 6108.3H, and 6049.0H to 5974.8V and 6093.2V MHz toward Indianapolis, Ind.; change frequencies 5960.0H, 6019.3H, and 6078.6H to 5974.8H, 6034.2H, and 6093.5H MHz toward Anderson, Ind.

9362-C1-P-72—Anderson, Ind. (KSV86), correct to read: Change antenna systems and frequencies 6212.0H, 6390.0H, and 6330.7H to 6226.9V, 6404.8V, and 6345.5V MHz toward Noblesville, Ind.; change frequencies 6271.4V and 6412.2V to 6286.2H and 6404.8H MHz toward Muncie, Ind.

9363-C1-P-72—Muncie, Ind. (KSV87), correct to read: Change antenna sytems and frequencies 5937.8V and 6137.9V to 5974.8V and 6152.8V MHz toward Anderson, Ind.

MULTIPOINT DISTRIBUTION SERVICE

554-C1-P-73—International Television Corp. (New), Third Street and Harrison Avenue, Oxnard, Calif. Latitude 34°12'04" N., longitude 119°10'29" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

555-C1-P-73—Same (New), 233 South 13th Street, Lincoln, NE. Latitude 40°48'41" N., longitude 96°42'10" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

556-C1-P-73—Same (New), 123 North Market Street, Wichita, KS. Latitude 37°41'22" N., longitude 97°20'19" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

557-C1-P-73—Same (New), 420 Main Street, Evansville, IN. Latitude 37°58'40" N., longitude 87°34'09" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

558-C1-P-73—Same (New), El Vigia, Puerto Rico. Latitude 18°01'31" N., longitude 66°-37'17" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

559-C1-P-73—Same (New), at Bella Vista Hospital on Route 349, Mayaguez, Puerto Rico. Latitude 18°11'14" N., longitude 67°07'12" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

560-C1-P-73—Chicago Communication Service, Inc. (New), 500 North Stewart Street, Creve Coeur, IL. Latitude 40°39'11" N., longitude 89°35'11" W. C.P. to add frequencies 2154.75V(Visual) and 2150.25V(Aural) toward various receiving points in the system.

561-C1-P-73—Same (New), 0.1 mile north of Black Hawk Road, Rockford, Ill. Latitude 42°11'49" N., longitude 88°58'43" W. C.P. to add frequencies 2154.75V(Visual) and 2150.25V(Aural) toward various receiving points in the system.

562-C1-P-73—Midwest Corp. (New), on Sharp Ridge near Memorial Park Road, Knoxville, Tenn. Latitude 36°00'21" N., longitude 83°56'20" W. C.P. to add frequencies 2154.75 (Visual) and 2150.25(Aural) toward various receiving points in the system.

564-C1-P-73—Hawkeye Micro-Transmission Co. (New), Third Avenue and First Street, Cedar Rapids, Iowa. Latitude 41°58'35" N., longitude 91°40'02" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

565-C1-P-73—Same (New), Northwest Bank Building, Kimerly Road, Davenport, Iowa. Latitude 41°33'40" N., longitude 90°34'09" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

566-C1-P-73—Forward Communications Corp. (New), 4 miles southwest of Wausau, town of Rib Mountain, Wis. Latitude 44°55'14.2" N., longitude 89°41'12" W. C.P. to add frequencies 2152.325V(Visual), 2150.20V(Aural), 2158.50V(Visual), and 2154.00V(Aural) toward various receiving points in the system.

629-C1-P-73—Microwave Relay Services, Inc. (New), corner of Gay Street and Hill Avenue, Knoxville, Tenn. Latitude 35°57'40" N., longitude 83°54'56" W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

630-C1-P-73—Same (New), northeast corner Market and Eighth Streets, Chattanooga, Tenn. Latitude 35°02'50" N., longitude 85°18'33" W. C.P. to add frequencies 2154.75V (Visual) and 2150.25V(Aural) toward various receiving points in the system.

[FR Doc.72-12570 Filed 8-10-72;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE NONMEMBER BANKS

Statement of Policy and Guidelines for Investments in "Leeway Securities"

On April 5, 1972, a proposed statement of policy and guidelines for "leeway investments" was published in the FEDERAL REGISTER (37 F.R. 6884-85). Interested persons were given 45 days within which to submit written comments, suggestions or objections concerning the proposal.

After considering all relevant material submitted by interested persons, the Board of Directors of the Federal Deposit Insurance Corporation hereby adopts the proposed statement of policy with certain minor changes. The changes (1) clarify the fact that the policy enunciated in the statement applies only to investments in equity of capital debt securities of corporations which are not merely private and entrepreneurial but whose objectives and purposes are primarily of a civic or community nature or seem socially desirable to the bank's board of directors or trustees, and (2) define with greater precision the alternative 10 percent limitation on such investments. The statement of policy adopted by the Board reads as follows:

The Federal Deposit Insurance Corporation feels that some if its examination policies may be inhibiting insured State banks not members of the Federal Reserve System from investing in the securities of corporations who are engaged in providing capital to minority business enterprises, securities of foreign governments, or the securities of corporations which are not merely private and entrepreneurial but whose objectives and purposes are primarily of a civic or community nature or seem socially desirable to the bank's board of directors or trustees and whose risk as a bank investment may seem greater than normal. These policies include criticism by examiners of investments by banks in equity securities or other securities not of Group I or "investment grade."

It has been suggested that these constraints have in some instances inhibited banks from participating effectively in the broad social movements that have taken place in the United States during the past decade. Indeed, Congress has enacted laws authorizing programs for community rehabilitation, low and moderate income housing, and many other social objectives, and the support and participation of the financial community has been solicited to achieve those goals. In this vein, the Urban Affairs Committee of The American Bankers Association has recently sponsored the formation of Minbanc Capital Corporation, a closed-end investment company whose primary objective is to make capital funds available to qualifying minority owned banks and whose capital stock has been offered exclusively to ABA member banks. Other similar corporations, such as "Mesbics," have also been recently suggested to facilitate the flow of capital to minority business enterprises.

By encouraging insured State nonmember banks to restrict their investments to "investment" grade securities, the Corporation has perhaps also inhibited some banks from acquiring debt securities of alleged merit, which technically fall short of "investment" grade quality by conventional standards of liquidity and other measurable qualitative factors. Such a situation might arise with respect to debt securities associated with community rehabilitation or development corporations, which, while lacking the qualitative elements of "investment" grade securities, are regarded by knowledgeable bankers as "tolerable" risks to depository financial institutions on a restricted and controlled basis. Similar circumstances may prevail in the case of securities of a foreign government, particularly among the new emerging nations, which not only suffer from liquidity imperfections arising from limitations on transfer and exchange rate fluctuations, but also qualitatively because of the absence of a reliable past record of debt performance and financial stability and an uncertain political climate.

The Corporation does not wish to impede those banks that feel a strong sense of responsibility from providing limited financial assistance under the circumstances described. Accordingly, the Board of Directors is adjusting the Corporation's examination policies to enable those insured State nonmember banks that so desire to invest in equity or

capital debt securities[1] falling within broad categories such as those discussed without fear of criticism by the Corporation or its examiners, subject to the following conditions:

(1) That such investments are allowed for State nonmember banks by applicable State law; [2]

(2) That they are not in conflict with the Voluntary Foreign Credit Restraint guidelines promulgated by the Board of Governors of the Federal Reserve System;

(3) That the aggregate total of all such investments not exceed the amount authorized by applicable State law or 10 percent of the bank's total capital or surplus accounts, exclusive of capital notes and debentures, whichever is less; [3] and

(4) That all such investments have been approved by the bank's board of directors or trustees as "Leeway Securities" and are so identified on the bank's general or subsidiary ledger records.

Within the parameters outlined above, the acquisition of "leeway securities" will not be subject to criticism by corporation examiners, and in the absence of default or bankruptcy will be permitted to be carried on the bank's books at amortized acquisition cost.

Effective date. The policy enunciated in the preceding statement shall be effective on the date of its publication (8-11-72).

By order of the Board of Directors, August 4, 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72-12656 Filed 8-10-72;8:50 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating an Additional Member

AUGUST 4, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Edward J. Mitchell, visiting professor of Economics, Graduate School of Business and Public Administration, Cornell University.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12630 Filed 8-10-72;8:47 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating An Additional Member

AUGUST 4, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. Membership. An additional member to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Edward J. Mitchell, visiting professor of economics, Graduate School of Business and Public Administration, Cornell University.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12629 Filed 8-10-72;8:47 am]

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-GENERAL

Order Designating an Additional Member

AUGUST 4, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Distribution-Technical Advisory Task Force-General, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Walter E. Caine, Vice President, Texas Eastern Transmission Corp.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12631 Filed 8-10-72;8:47 am]

[Dockets Nos. RI73-3, RI73-4, RI72-250]

ATLANTIC RICHFIELD CO., MOBIL OIL CORP.

Notice Postponing Prehearing Conference

AUGUST 7, 1972.

On August 4, 1972, Atlantic Richfield Co. filed a motion for postponement of the prehearing conference scheduled for August 8, 1972, by order issued July 28, 1972. Counsel for Atlantic advised that there was no opposition to the postponement.

Notice is hereby given that the prehearing conference scheduled in the above-designated matter is postponed to September 19, 1972.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12665 Filed 8-10-72;8:51 am]

[Dockets Nos. RP71-18, RP71-33]

COLUMBIA GULF TRANSMISSION CO.

Order Calling Prehearing Conference on Settlement Proposal, Accepting Rate Filings Subject to Hearing and Refund Consolidating Proceedings and Granting Intervention

AUGUST 4, 1972.

Columbia Gas Transmission Corp. successor in interest to: United Fuel Gas Co. RP71-19, RP71-34; Atlantic Seaboard Corp. RP71-20, RP71-37; Kentucky Gas Transmission Corp. RP71-21, RP71-35; The Ohio Fuel Gas Co. RP71-132, RP71-133, RP71-22, RP72-109; Cumberland and Allegheny Gas Co. RP71-23, RP71-39; The Manufacturers Light and Heat Co. RP71-24, RP71-38; Home Gas Co. RP71-25, RP71-40; Columbia Gas Transmission Corp. RP72-36, RP72-37, RP72-76.

These proceedings involve the increased rate filings on October 1, 1970, of the eight affiliates of the Columbia Gas System, Inc., which transport and sell natural gas for resale in interstate commerce.[1] The rate increases aggregate $214.2 million, or a net increase to distributor customers of $108 million (16.7 percent), after elimination of intersystem, pipeline company purchases. By Commission order issued November 13, 1970, a portion of the total increase tracking increased rates of a system gas supplier, Tennessee Gas Pipeline Co. (Tennessee Gas) in Docket No. RP71-6, was suspended until March 17, and the total increase in rate was suspended until April 16, 1971, at which times both rate increases became effective subject to refund. The November 13 order also provided that hearings be held, but in view of the pending merger proceedings referred to below, no hearings were convened.

The Commission by order issued December 15, 1970, in Dockets Nos. RP71-33 through RP71-40, accepted the eight Columbia companies' applications filed on November 6, 1970, requesting permission to use liberalized depreciation with normalization, subject to hearing and further order.[2]

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[1] The phrase "capital debt securities" does not include direct loans or discounts.

[2] The word "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

[3] In the case of insured commercial banks, this limitation would equal 10 percent of the figure reportable at Item 35 on FDIC Form 64—Call (revised June 1969). In the case of insured mutual savings banks, this limitation would equal 10 percent of the figure reportable at Item 24 on FDIC Form 64 (savings) (revised December 1971).

[1] Columbia Gulf transports gas for United Fuel, but does not sell gas.

[2] See order clarifying order, issued Jan. 29, 1971.

The Commission by order issued January 19, 1971, in Dockets Nos. RP71–24, RP71–25, RP71–38, and RP71–40, accepted for filing subject to refund the joint FPC Gas Tariff, Original Volumes Nos. 1 and 2, of The Manufacturers Light and Heat Company (Manufacturers) and Home Gas Co. (Home) which were filed on November 13, as supplemented on December 4, 1970, pursuant to Commission order accompanying Opinion No. 587, in Docket No. CP68–364, authorizing their coordinated operations.

The final step in Columbia's corporate realignment, involving the merger of the seven wholesale interstate pipeline affiliates (excepting Columbia Gulf) was authorized by the Commission by order issued March 10, 1971, in Docket No. CP71–132. That order authorized a newly formed affiliate, Columbia Gas Transmission Corp. (Transmission) to acquire and operate the facilities of the seven affiliates, as listed above. The merged operations commenced July 1, 1971. In view of the fact that sales of gas subject to our jurisdiction have been transferred from the seven affiliates to the single company upon commencement of the merged operations we will provide that Transmission shall be substituted in these proceedings for the seven affiliates as of July 1, 1971.

Transmission, on August 30, 1971, tendered for filing its proposed new FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2.[2] These new tariffs replaced the tariffs of Transmission's seven predecessor companies (excepting Columbia Gulf), as previously adopted and modified by Transmission on July 13, 1971. The new tariff volumes, proposed to become effective on September 1, 1971, have been duly noticed to the public in Docket No. RP72–37. No objections thereto have been received by the Commission.

All currently effective rate schedules together with the General Terms and Conditions applicable thereto, as contained in the respective tariffs of the predecessor companies have been redesignated in new tariff volumes. Transmission states that the rates and charges, classifications and services contained in its new tariff are the same as those contained in the October 1, 1970, rate filings of the seven affiliates subject to these proceedings. The proposed new tariff volumes, therefore, should be accepted for filing subject to refund although filed on less than 30 days notice, in substitution as of September 1, 1971, for the respective rate filings in Docket Nos. RP71–18 through RP71–25, subject to all orders issued therein; and the proceedings in Docket No. FP72–37 should be consolidated for hearing as provided below.

Settlement Conferences. Upon completion of the Commission Staff's investigation of the Applicants' cost of service, and in response to their request, the Staff on June 4, 1971, distributed copies of the results of its cost studies to all parties and called a conference to consider the possibility of settlement or stipulation of issues. As a result of the conferences held on June 10, 17 and 18, 1971, Transmission on July 22, 1971, filed a Stipulation and Agreement together with a motion for approval of the document as a proposed settlement of all issues in Dockets Nos. RP71–18 through RP71–25, and particularly reserving the income tax issues in Dockets Nos. RP71–33 through RP71–40. Contained in the Stipulation are the proposed lower increased rates which are intended to yield annual revenues in the amount of $724,188,000, based upon sales by Transmission for the 12 months ended October 31, 1971, as projected by the Applicants' October 1, 1970, rate filings. As described below, Columbia on April 25, 1972, submitted and served still lower increased rates to reflect annual revenues of $720,556,000 (an increase of approximately $74 million, or 11.4 percent).

Positions of Parties Relative to Settlement. The Commission on August 5, 1971, published a notice of the filing of the stipulation. The stipulation was executed by 15 of Transmission's 19 nonaffiliated customers who participated in the rate conferences.[4] The four of the 19 customers who did not execute the agreement are: (i) Virginia Gas Pipe Line Co. which has filed no comment or objections to the stipulation; (ii) West Ohio Gas Co. filed a statement in support of the stipulation, but opposed inclusion in rate base of all future advance payments to producers for lease acquisition, exploration, development, and production; (iii) Pennsylvania Gas and Water Co. filed a comment containing numerous objections, among which are contentions that the billing determinants are improper, that the economies of certain storage operations are not reflected, and other contentions which appear to be substantially similar to Penn Gas' objections raised in its supplier's earlier rate proceedings, including the contention that a 5 percent consolidated tax savings adjustment to the effective Federal income tax rate is too low;[5] and (iv) the city of Charlottesville, Va., which filed objections to the stipulation. Among other issues, Charlottesville objects to reflecting in cost of service a rate of return of 8.25 percent, based upon 12 percent for common equity, contending that it is contrary to Economic Stabilization goals. The latter two customers request that the issues be set for hearing.

Among the noncustomer interveners, General Services Administration, and the city of Cincinnati, Ohio, filed objections to the cost of service reflected in the rates proposed by the stipulation, and each asks that a hearing be convened. Among other issues, both object to Transmission's claimed rate of return and also object the level of the consolidated tax savings reflected in the stipulation.

Public Service Commision of the State of New York filed comments upon the stipulation, stating that it does not object to the settlement of the rate proceedings, but that it asserts general opposition to the provisions for including future advance payments in the rate base, particularly the advanced payments to BP Oil Co. in Docket No. RP72–36, described below. New York asks for a hearing to be held following a thorough study of this matter. Public Service Commission of West Virginia on September 7, 1971, filed an untimely petition for leave to intervene although it has been represented at the rate conferences, and it objects to the minimum bill provision in the SGS–1 rate schedule and contends that Applicants' claimed 8.25 percent rate of return is excessive.[6]

In its objections to the stipulation filed on September 8, 1971, Staff disagreed with Transmission's claimed rate of return of 8.25 percent which was reflected in the settlement cost of service, and also objected to certain rate base computations and tax allowances. At a conference, open to all parties, held on April 19, 1972, Staff and Transmission reached agreement upon a cost of service in the total amount of $720,586,000 including an overall rate of return of 8.15 percent.

In order to reflect this reduction in the settlement cost of service and proposed rates, Transmission on April 25, 1972, filed supplemental appendices to the stipulation filed July 22, 1971. The supplemental appendices included proposed rate level changes to become effective as of April 1, 1972, and also 10 separate rate level changes to be used for computations of refunds due under the settlement, commencing with April 16, 1971. The 10 rate levels reflect supplier rate changes and advance payments, subject to the terms of the stipulation. We note that two of the changes occur during the wage-price freeze period.

In response to Transmission's filing of its supplemental rate schedules and reduced cost of service on April 25, certain parties urge its approval, but others

[2] Original Volume No. 2 includes only Special Rate Schedules which cover exchange of gas, transportation of gas, interconnections, and operating agreements, etc.

[4] Transmission serves 70 nonaffiliated customers.

[5] Pennsylvania Gas and Water Co. v. F.P.C., ---- F.2d ---- (1972) (decided May 2, 1972, in CADC No. 71–1126) affirming Commission order approving settlement, 44 FPC 1328, 44 FPC 1614. See also Commission Opinion No. 611, with respect to consolidated tax savings issue, pending in Florida Gas Transmission Co., ---- FPC ----, issued Feb. 6, 1972.

[6] The Attorney General for the Commonwealth of Virginia filed comments but indicated that Virginia is not contemplating filing a petition to intervene. The comments, therefore, may not be treated as a part of the record herein. Commission's rules of practice and procedure, 1.10 (18 CFR 1.10).

object.[7] Some of the latter have modified their earlier acceptance of the stipulation and agreement, contending that new issues have arisen as a result of Transmission's tariff changes and curtailment plan filed on December 15, 1971, which became effective April 1, 1972, subject to hearing and refund in Docket No. RP72–89.

Procedure Relative to Settlement. In view of the fact that a number of parties have raised objections to the settlement agreement and several have requested that hearings be held with respect to particular issues, we shall consolidate and convene these proceedings in order that all parties be afforded ample opportunity, on the record to support their positions with evidence and to participate in cross-examination. Accordingly, to the extent that the Presiding Examiner shall find it appropriate and necessary for the Commission's consideration of such objections, he shall provide for written testimony and exhibits to be filed and served, and, excepting the issues in Docket No. RP72–36 relating to advance payments for gas to be produced in Alaska, he shall certify the record to the Commission for its consideration of the settlement as supplemented on April 25.

In accordance with the provisions of the stipulation, Article V. Advance Payments, the Presiding Examiner shall prescribe dates for serving of testimony on the advance payment issues raised in Docket No. RP72–36. Since that proceeding involves a proposed increase in the settlement rates as of October 1, 1971, we have not suspended the increase, as provided Article V. Pending resolution of this issue, we shall treat that rate increase as a pending matter subject to refund, as proposed by Transmission.

Additional Rate Filings and Petitions To Intervene. A number of other rate filings have been received which affect Transmission's tariff and rates, subject to refund. They, therefore, should be consolidated for hearing and decision with the proceedings in Dockets Nos. RP71–18 et al. and the other proceedings described above.

The Commission, by order issued April 23, 1971, in Dockets Nos. RP71–18 et al., granted permission to increase the suspended rates to track further increases in Tennessee Gas' and other suppliers' rates since October 1, 1970, to reflect the January 10, 1971, rate increases of independent producers in southern Louisiana. As modified by these changes, the proposed increased rates were made effective subject to refund by the Applicants on March 17 and April 16, 1971.

The Commission, by order issued June 11, 1971, in Docket No. RP71–132, accepted for filing and permitted Ohio Fuel (Zone 4 in Transmission's Tariff) to track as of June 1, 1971, subject to refund, the increased rates of its suppliers, Texas Eastern Transmission Corp. in Docket No. RP71–93 and Texas Gas Transmission Corp. in Docket No. RP70–14, et al., in the aggregate amount of $880,510 annually.

The Commission, by the June 11 order in Docket No. RP71–133, also suspended Ohio Fuel's proposed $4.4 million annual rate increase to track the rate increase of its supplier, Panhandle Eastern Pipe Line Co. in Docket No. RP71–108. The rate increase was permitted to become effective subject to refund as of November 14, 1971, by Order No. 437A–6, issued December 10, 1971, in Docket No. R–427.

The Commission, by order issued June 22, 1971, in Docket No. RP71–21, accepted for filing Kentucky Gas Transmission Corp.'s rate filing of May 3, 1971, reflecting a reduction in the Demand component of its SGS–2 rate schedule from $2.86 to $2.30 reducing the proposed increase in revenues (Transmission's Zone 3) by $50,364, effective subject to refund as of April 16, 1971.

Transmission on August 30, 1971, filed a proposal in Docket No. RP72–36 to change the rates and charges contained in the proposed stipulation and agreement discussed above. The proposed changes would increase the settlement rates and charges $7,980,000 annually as of October 1, 1971, subject to refund, to reflect the inclusion in rate base of $60 million advanced to BP Oil Corp. in connection with certain agreements relating to gas exploration, development, and production in Prudhoe Bay Area in the State of Alaska.

The Commission, on September 9, 1971, duly published notice of this rate proposal. Petitions for leave to intervene in Docket No. RP72–36 have been filed by 11 customers and representatives of customers.[8] Since the 11 petitioners have already been permitted to intervene in Dockets Nos. RP71–18, et al., their petitions may be deemed to have been granted by the consolidation of all these proceedings for hearing, as provided below.

Two noncustomer pipeline companies, Michigan Wisconsin Pipe Line Co., and Natural Gas Pipeline Co. of America, untimely filed petitions for leave to intervene in Docket No. RP72–36, on November 30 and December 15, 1971, respectively. Although neither pipeline company alleges any direct interest in Transmission's rates, both allege that they are associated with other companies in projects involving advance payments to producers in nontraditional supply areas, and in particular, the Prudhoe Bay area. Citing the objections to Transmission's advance payments filed by the Commission Staff on October 13, 1971, both assert that they may be adversely affected by a determination of Commission policy with respect to such advance payments.

The Commission, by order issued December 29, 1971, in Docket No. RP72–76, suspended until January 2, 1972, Transmission's rate filing on December 1, 1971, by which it proposed to reinstate the availability of excess Winter Service (WS) deliveries, which had been available prior to April 16, 1971. The rate level for this service is the same as is included in the stipulation and agreement discussed below. The rate filing became effective January 2, 1972, upon the filing of Transmission's motion.

Transmission on February 18, 1972, tendered for filing in Docket No. RP72–109, a third increase in its Zone 4 (formerly Ohio Fuel) rates[9] in the annual amount of $5.7 million over and above the rates described above in Docket No. RP71–133, to become effective April 1, 1972, stating that the increase is intended solely to track the increased rates of Texas Gas in Docket No. RP72–45. The Commission by order issued May 3, 1972, accepted the rate filing subject to refund in Docket Nos. RP71–18, et al.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act: (i) That the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in Transmission's FPC Gas Tariff as proposed to be amended by the rate filings in Docket Nos. RP72–36 and RP72–37 on August 30, 1971; (ii) that all of the proceedings in all of the above dockets be consolidated for hearing and decision.

(2) Good cause has been shown for: (i) Accepting for filing, subject to refund, the rate filings described above in Docket Nos. RP72–36 and RP72–37, as proposed by Transmission; and (ii) for granting the waiver of the data and notice requirements of Section 154.63 of the Commission's regulations under the Natural Gas Act with respect to the rate filings specified in (1) above, as requested by Transmission.

(3) Good cause has been shown for granting Michigan Wisconsin Pipe Line Co.'s (Michigan Wisconsin) and Natural Gas Pipeline of America's (Natural Gas Pipe Line) petitions for leave to intervene, filed on November 30 and December 15, 1971.

(4) Good cause exists for accepting the late notice of intervention filed by the West Virginia Public Service Commission.

The Commission orders:

(A) Columbia Gas Transmission Corp. (Transmission) is substituted as successor in interest to the seven Applicants, affiliates of Transmission, as of the respective dates described above, as its interests may appear; and all of the proceedings in all of the above dockets are consolidated for hearing and decision.

[7] Responses objecting to amended settlement: City of Charlottesville, Va., The Cincinnati Gas & Electric Co., city of Cincinnati, Ohio, New York State Electric & Gas Corp., Pennsylvania Gas & Water Co., Roanoke Gas Co., and Public Service Commission for the State of New York. Penn Gas reiterates the issues it raised in prior proceedings, some of which are pending on court review (supra [5]), and Charlottesville would modify Article X of the stipulation, making the reservation of the tax "normalization" issue dependent upon the outcome of the final order in the Texas Gas Corp. case, sub nom. Memphis Light, Gas & Water Div. v. FPC (CADC No. 24517, 24518; decided Feb. 18, 1972, petition for rehearing denied May 11, 1972).

[8] City of Charlottesville, Va.; City of Cincinnati, Ohio; the Cincinnati Gas & Electric Co. and the Union Light, Heat and Power Co.; Commonwealth Natural Gas Corp.; the Dayton Power and Light Co.; Pennsylvania Gas and Water Co.; UGI Corp.; Virginia Pipeline Co.; Washington Gas Light Co.; and West Ohio Gas Co.

[9] Third Revised Sheet No. 16 to Transmission's FPC Gas Tariff Original Volume No. 1.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings be held, commencing with a prehearing conference on August 22, 1972, at 10 a.m. (EDT), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates and charges contained in Transmission's FPC Gas Tariff, and in the FPC gas tariffs of its predecessors in interest, as their interests may appear, as proposed to be amended by each of the rate filings described above.

(C) Transmission's FPC Gas Tariff, Original Volumes Nos. 1 and 2, filed on August 30, 1971, in Docket No. RP72-37, and the proposed amendment to the rates contained in the Stipulation and Agreement specified above, filed on August 30, 1971, in Docket No. RP72-36, are accepted for filing, subject to refund and all orders issued in these proceedings.

(D) Transmission's request for waiver of the data and notice requirements of § 154.63 of the Commission's regulations under the Natural Gas Act are granted.

(E) Michigan Wisconsin and Natural Gas Pipeline are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors, or either of them, shall be limited to matters affecting the rights and interests of such interveners specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition that either petitioner might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(F) The notice of intervention of the West Virginia Public Service Commission is hereby accepted in these consolidated proceedings.

(G) At the prehearing conference on August 22, 1972, the prepared testimony and exhibits (Statement P), together with the entire rate filing as submitted and served on October 1, 1970, and the additional rate filings made by Columbia Gulf, Transmission, and the seven predecessor Columbia System affiliates, in each of the above dockets, shall be admitted to the record as the case-in chief of Columbia Gulf and Transmission, as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, and Columbia Gulf and Transmission shall be afforded opportunity to submit for the record the Stipulation and Agreement described above, subject to appropriate motions, if any, by parties to the proceedings; and thereafter, upon motions therefor, in the Presiding Examiner's discretion, parties objecting to the settlement may have an opportunity to submit prepared testimony and exhibits in support of their positions, and to participate in cross-examination.

(H) 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 these proceedings pursuant to the Commission's rules of practice and procedure; 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.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12659 Filed 8-10-72;8:50 am]

[Docket No. CP71-68]

COLUMBIA LNG CORP. ET AL.

Order Granting Rehearing for Purposes of Further Consideration, Interventions, Permission To File Amicus Briefs and Oral Argument

AUGUST 2, 1972.

Consolidated System LNG Co. Docket No. CP71-153; Southern Energy Co. Dockets Nos. CP71-151, CP71-264; Southern Natural Gas Co. Docket No. CP71-276; Columbia LNG Corp. Docket No. CP71-289; Consolidated System LNG Co. Docket No. CP71-290.

A large number of parties, including the Applicants, Columbia LNG Corp., Consolidated System LNG Co., Southern Energy Co., and Southern Natural Gas Co., as well as El Paso Algeria Corp., and Sonatrach have filed timely applications for rehearing of the Commission's Opinion No. 622 and order issued June 28, 1972.[1] Several applications for rehearing, however, were not filed within the prescribed time.[2] Furthermore, a number of motions to intervene or notices of intervention were filed, usually with applications for rehearing attached.[3] In addition, a number of motions were filed asking leave to file briefs amici curiae with briefs attached requesting rehearing or reconsideration.[4] Philadelphia Gas Works filed a petition for clarification. Oral argument was requested in many of the filings.

In Opinion No. 622 and order we granted Columbia LNG, Consolidated LNG, and Southern Energy authority to import liquefied natural gas (LNG) from Algeria to be purchased by El Paso Algeria from Sonatrach, a corporation owned by the Algerian Government, to be transported in tankers owned by an affiliate of El Paso Algeria, and to be delivered to Columbia LNG and Consolidated LNG at Cove Point, Md., and to Southern Energy at Savannah, Ga. We issued certificates of public convenience and necessity to Columbia LNG, Consolidated LNG, Southern Energy, and Southern Natural for necessary facilities including the terminal facilities and pipelines. Our authorizations were subject to several conditions which are discussed in the applications for rehearing. Questions relating to the environment of a procedural and substantive nature are raised by the joint application of the Sierra Club and the Maryland Conservation Council and by the application of the Potomac Basin Federation.

Because of the important questions here raised we shall grant rehearing for purposes of further consideration. All requests for intervention will be granted as well as motions to file briefs amici. With respect to those applications filed after the period provided in the Natural Gas Act, in view of the actions taken herein, they will be accepted as applications for reconsideration. We think that, since the contentions made in the filings involve important questions of policy, oral argument should be afforded as provided below, and time should be provided for filing supplemental briefs after the oral argument.

The Commission further finds:

(1) Because of the extraordinary circumstances and for good cause shown the petitions to intervene listed in Appendix B should be granted, and the notices of intervention accepted.

(2) It is in the public interest to permit the filing of briefs amici by the movants listed in Appendix C.

The Commission orders:

(A) Rehearing is granted for purposes of further consideration with respect to Opinion No. 622 and order.

(B) The petitions to intervene filed by the petitioners set forth in Appendix B are granted and the notices of intervention filed by the State commissions there listed are accepted for filing subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; *Provided, further,* That they are required to take the record as they now find it, but may participate fully in all remaining phases of this proceeding; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The motions to file briefs amici by the persons listed in Appendix C are hereby granted.

(D) Applications for rehearing not filed within the statutory period provided in the Natural Gas Act are accepted as applications for reconsideration.

(E) An oral argument shall be held convening at 9 a.m. (e.d.t.) on August 18, 1972, in the Commission's hearing room, 441 G Street NW., Washington, DC 20426 concerning the issues raised by the applicants for rehearing and the inter-

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[1] See Appendix A.

[2] New York State Electric & Gas Corp.; Public Service Commission of Maryland; Commonwealth Natural Gas Corp.

[3] See Appendix B.

[4] See Appendix C.

venors referred to above. If oral argument is not completed on that date, August 21, 1972, is reserved for completion of oral argument. All parties, intervenors, and those filing amicus briefs may participate. Those similarly situated and making similar contentions are urged to present their arguments through the same counsel. All persons desiring to make oral argument shall so inform the Secretary on or before August 10, 1972, and shall state the time that they request.

(F) Parties, intervenors, and those filing amicus briefs are permitted to file additional briefs, if they desire, within 7 days following the conclusion of oral argument.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

El Paso Algeria Corp.
Sierra Club.
Maryland Conservation Council.
Mississippi Valley Gas Co.
UGI Corp.
Pacific Lighting Service Co.
Southern California Gas Co.
Washington Gas Light Co.
Potomac Basin Federation.
Public Service Commission for the State of New York.
Brooklyn Union Gas Co.
Public Service Electric & Gas Co.
Southern Natural Gas Co.
Southern Energy Co.
Columbia LNG Corp.
Amoco International Oil Co.
Rochester Gas & Electric Corp.
Consolidated System LNG Co.
Shell Oil Co.
Esso LNG, Inc.
Tennessee Gas Pipeline Co.
Societe Nationale Sonatrach.
Alabama Gas Corp.
Florida Gas Transmission Co.
Texas Eastern Transmission Corp.
South Carolina Electric & Gas Co.
Niagara Mohawk Power Corp.
Humble Oil & Refining Co.
Dayton Power & Light Co.

APPENDIX B

Natural Gas Pipeline Co. of America.
The People's Gas Light & Coke Co.
North Shore Gas Co.
Department of the Interior.
United Distribution Cos.
National Association of Regulatory Utility Commissioners.
Public Service Commission of the District of Columbia.
Public Utilities Commission of Ohio.
Humble Oil & Refining Co.
Public Service Commission of Maryland.
Pacific Gas & Electric Co. (application for rehearing not timely).

APPENDIX C

Transcontinental Gas Pipe Line Corp.
Independent Natural Gas Association of America.
Northern Natural Gas Co.
Colorado Interstate Gas Co.
Cities Service Gas Co.
Texas Gas Transmission Corp.
American Gas Association.
Trunkline Gas Co.
Panhandle Eastern Pipe Line Co.

[FR Doc.72-12657 Filed 8-10-72;8:50 am]

[Docket No. CP73-23]

COMMONWEALTH GAS CO.

Notice of Application

AUGUST 7, 1972.

Take notice that on July 28, 1972, Commonwealth Gas Co. (Applicant), 25 Quinsigamond Avenue, Worcester, MA 01608, filed in Docket No. CP73-23 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on an interruptible basis to Fitchburg Gas and Electric Co., Springfield Gas Light Co. and the Berkshire Gas Co. through the 1972-73 heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell and deliver an aggregate volume of up to 315,857 Mcf of natural gas at an approximate price of 51¢ per Mcf to the above-mentioned distributors at an existing metering station in Hopkinton, Massachusetts, at which point Applicant purchases natural gas from Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), under a firm long-term contract. It is Applicant's understanding that the distributors have arranged with Hopkinton LNG Corp. (Hopco) to receive for their account the natural gas proposed to be sold by Applicant. Hopco will liquefy, store and revaporize said natural gas and will have Tennessee transport the revaporized gas by displacement to each distributor's facilities, where it will be used to meet their peak day requirements during the 1972-73 heating season.

Inasmuch as Applicant's proposed sale of natural gas is to ensure the fulfillment of peak day demands during the forthcoming heating season of residential and commercial firm heating customers, it appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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) 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 unncessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12660 Filed 8-10-72;8:50 am]

[Docket No. G-8933]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend Permit

AUGUST 8, 1972.

Take notice that on July 17, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. G-8933 a petition pursuant to Executive Order 10485 to amend the permit dated November 25, 1955, by authorizing the installation of a second interconnection at the international boundary between the United States and Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that its predecessor in the instant matter was issued a permit in Docket No. G-8933 to construct, operate, maintain, and connect natural gas transmission facilities at the international boundary between the United States and Canada at a point near Sumas, Wash., and that by Commission orders issued in various dockets, Petitioner is currently authorized to import an aggregate amount of 800,000 Mcf of gas per day from Canada to the United States purchased from Westcoast Transmission Co., Ltd. (Westcoast). Petitioner states that significant measurement difficulties have recently resulted at its Sumas Purchase Meter Station, due to the excessive velocity of the increased volumes of gas flowing through the single existing interconnection between Westcoast and Petitioner at the international boundary. To alleviate this problem, petitioner requests authority to install a second interconnection of facilities, consisting of approximately 350 feet of 30-inch O.D. pipe, at the international boundary near Sumas. Petitioner asserts that in addition to resolving the measurement problem at the Sumas Purchase Meter Station, the additional interconnection will provide an increased degree of safety and reliability for the deliveries made by Westcoast to Petitioner.

Petitioner states that the estimated

cost of installation of the facilities is $149,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12661 Filed 8-10-72;8:50 am]

[Docket No. E-7745]

E. T. PRESLEY

Notice of Application

AUGUST 7, 1972.

Take notice that E. T. Presley (Applicant), Fulton, N.Y. 13069, filed an application in Docket No. E-7745 on June 6, 1972, as supplemented on July 6, 1972, for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953 (3 CFR, 1949-1953 Comp., p. 970), for the construction, operation, maintenance, and connection at the international border between the United States and Canada of certain facilities for the transmission of electric energy between the United States and Canada.

The proposed electric transmission facilities will extend across the St. Lawrence River in the area of the Thousand Islands, Jefferson County, N.Y., and may be described as one single-phase 60 hertz, armored electric submarine cable, operating at 4,800 volts, crossing the United States-Canada international boundary from a point on Wellesley Island in New York to a point on Bingham Island, Province of Ontario.

Applicant will utilize the proposed submarine cable to import electric energy which he will purchase from The Hydro-Electric Power Commission of Ontario, Brockville, Ontario, Canada, for the purpose of receiving electric service at his summer residence located on the above-mentioned Wellesley Island.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.72-12625 Filed 8-10-72;8:46 am]

[Docket No. CP73-25]

HOPKINTON LNG CORP.

Notice of Application

AUGUST 7, 1972.

Take notice that on July 28, 1972, Hopkinton LNG Corp. (Applicant), 130 Austin Street, Cambridge, MA 02139, filed in Docket No. CP73-25 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas until October 31, 1973, for Fitchburg Gas and Elecric Light Co., Springfield Gas Light Co., and the Berkshire Gas Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of executed letter agreements, Applicant has agreed to furnish liquefaction, storage, and vaporization services at its LNG plant at Hopkinton, Mass., at a total price of $1.16 per Mcf to each of the above-named distributors. Applicant states that the aggregate volumes of transported revaporized gas will not exceed 10,856 Mcf per day and 344,000 Mcf annually. Applicant indicates that each distributor will purchase the natural gas required for Applicant to perform these services from Commonwealth Gas Co. (Commonwealth) which will deliver such gas to Applicant for their respective accounts, as proposed in Commonwealth's concurrently filed application in Docket No. CP73-23. Applicant further states that each distributor has arranged with Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee) to receive such revaporized gas from Applicant's LNG plant for their respective accounts and to transport and deliver equivalent volumes of natural gas to the various delivery points on each distributor's system during the limited term, as proposed in Tennessee's pending application in Docket No. CP73-16.

Inasmuch as Applicant's proposed transportation of natural gas is to insure the maximum utilization of the subject gas during the forthcoming heating season, it appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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) 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 heard 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 to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12662 Filed 8-10-72;8:50 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Notice of Issuance of Annual License

AUGUST 4, 1972.

On February 24, 1970, Northern States Power Co., licensee for Chippewa Reservoir Project No. 108 located in Sawyer County, Wis., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6.

The license for Project No. 108 was issued effective August 8, 1921, for a period ending August 7, 1971. Because August 7, 1971, fell on a Saturday, the license remained in force and effect through August 9, 1971, pursuant to § 1.13(a) of the rules of practice and procedure of the Federal Power Commission and section 9(b) of the Administrative Procedure Act 5 U.S.C. 558(c). Since expiration of the original license, the project has been operated under an annual license.

In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Northern States Power Co. for

continued operation and maintenance of Project No. 108.

Take notice that an annual license is issued to Northern States Power Co. (licensee) under section 15 of the Federal Power Act for the period August 8, 1972, to August 7, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Chippewa Reservoir Project No. 108, subject to the terms and conditions of its license.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12664 Filed 8-10-72;8:51 am]

[Docket No. CP72-52]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Settlement

AUGUST 4, 1972.

Take notice that on July 17, 1972, Southern Natural Gas Co. (Southern) filed a motion for approval of settlement in Docket No. CP72-52. Southern submitted on September 1, 1971, an application for abandonment of service and certain facilities that provide that service to the Mississippi Chemical Corp. (Mississippi) to become effective on December 31, 1972. Mississippi requested leave to intervene which was granted in the Commission's order permitting intervention, fixing date of hearing, and specifying procedures, issued July 11, 1972. Direct evidence by the parties was to have been filed by July 21, 1972, with date of hearing the matter scheduled on July 31, 1972. Concurrent with the subject motion, Southern filed a motion for extension of time which was granted in the Presiding Examiner's certification of the proposed settlement to the Commission on July 19, 1972. Southern submitted with the motion, a stipulation and agreement executed on July 20, 1972, to terminate this proceeding.

The stipulation and agreement incorporates certain agreements executed between Southern and Mississippi. The main agreement, dated February 14, 1972, would allow Southern to abandon service to Mississippi but maintain the facilities that provide that service on a "standby" basis. This is proposed in order to supply Mississippi, on an as when available basis, gas necessary for its entire process and full requirements should Mississippi's new intrastate suppliers fail to make adequate deliveries. Whether or not gas is delivered, Mississippi will pay Southern a "standby charge" of $400 monthly, in consideration for Southern maintaining the facilities.

The complete submission is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12626 Filed 8-10-72;8:46 am]

[Docket No. CP73-19]

SOUTHWEST GAS CORP.

Notice of Application

AUGUST 7, 1972.

Take notice that on July 21, 1972, Southwest Gas Corp. (Applicant), Post Office Box 1450, Las Vegas, NV 89101, filed in Docket No. CP73-19, a budget-type application pursuant to section 7 (c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and the operation of certain natural gas facilities for the delivery 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 authority to construct, install, and operate an auxiliary river crossing of the Truckee River of approximately 1,800 feet of 16-inch O.D. pipe, to be installed on its main line and approximately 3 miles of 8-inch O.D. pipeline loop, to be installed on its main line to South Tahoe, Nev. Applicant also requests authority to construct, install, operate, and update miscellaneous main line regulating stations and cathodic protection facilities for its transmission system and to upgrade two existing compressor stations. Applicant indicates that all the proposed facilities are located in the state of Nevada and will be utilized, as necessary, to reinforce its Northern Nevada Division sales facilities to meet customer needs during the 1972-73 heating season.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The aggregate total cost of the proposed facilities will not exceed $435,000, with the river crossing not to exceed $80,000, the pipeline loop not to exceed $225,000, the regulating stations and cathodic protection facilities not to exceed $60,000, and the upgrading of the compressor stations not to exceed $70,000. Applicant states that the proposed facilities will be financed initially from working funds, supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 28, 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 to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12663 Filed 8-10-72;8:51 am]

[Dockets Nos. CP72-6, etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Severing Proceedings, Granting Motion for Approval of Settlement Offer, Issuance of Certificates and Granting Petitions To Intervene

AUGUST 4, 1972.

On May 30 and June 9, 1972, orders were issued in these consolidated proceedings setting a hearing to commence on July 18, 1972. On June 9, 1972, a joint motion for approval of a revised offer of settlement and issuance of certificates in Dockets Nos. CP72-211, CI72-530, and CI72-578 was filed by Mobil Oil Corp. (Mobil) and Texas Eastern Transmission Corp. (Texas Eastern).

On June 16 and June 26, 1972, the joint movants supplemented their motion. Continental Oil Co. and Tennessee Gas Pipeline Co. have advised that they have no objection to the motion and agree that approval of the settlement agreement would be without prejudice,

and should have no precedential effect on other applications in the consolidated proceedings. Brooklyn Union Gas Co., Consolidated Edison Co. of New York, Associated Gas Distributors, Consolidated Gas Supply Corp., Public Service Electric and Gas Co., and the New York Public Service Commission support the motion. Cities Service Oil Co. takes no position on the motion, but agrees that such settlement should have no prejudicial effect on the proposed transportation of gas by Tennessee for Cities Service. Humble Oil and Refining Co. and Union Oil Co. of California stated that they had no objection to the settlement.

Late petitions to intervene were filed by Atlantic Richfield Co. on June 12, by Algonquin Gas Transmission Co. (Algonquin) on June 16 and a notice of intervention was filed on June 22 by the State of Louisiana. Louisiana and Algonquin allege that they were unaware of the importance of the pending consolidated dockets until after the issuance of the order of the Commission on May 30. Their intervention may be permitted so long as it does not disrupt or delay the hearing and is granted on the condition that they accept the record to this date as they find it.

In essence, the revised offer of settlement provides for the sale to Texas Eastern, under Docket No. CI72–578, of one-half of Mobil's interest in the gas to be produced from the leases involved and for the transportation and exchange by Texas Eastern of Mobil's reserved volumes, conditioned with the requirement that the reserved volumes shall be utilized to meet gas feedstock and energy requirements of Mobil's Beaumont refinery. Additionally, it provides for a limited term sale to Texas Eastern, under Docket No. CI72–530, of Mobil's reserved volumes for a term ending January 1, 1976, conditioned with the requirement that the volumes sold for the entire term of the limited term certificate shall be not less than 98 percent of Mobil's reserved volumes.

On June 26, 1972, the Commission staff filed objections to the motion. Staff opposes approval of the revised offer of settlement on two basic grounds: First, that the policy questions inherent in approval of the revised offer of settlement would, by approval of the settlement, be irrevocably determined and the Commission would be legally bound to afford the same treatment for all pending and subsequent applications as is afforded by approval of the revised offer of settlement. Second, staff is concerned that Mobil's reserved volumes of gas would be diverted to "unknown, unspecified present or future uses."

We recognize full well the policy implications involved in the consolidated cases which are presently in hearing. We do not perceive, however, that approval of a settlement constitutes a stare decises determination of anything other than that the proposed settlement is in the public interest. To allay any possible fears that we are prematurely making a policy determination in our approval of this settlement, or limiting staff in its presentation of the issues in the hearings which are now underway, we expressly reserve our formal decision on the important issues raised in these consolidated proceedings for adjudication upon the completed hearing record. Our action here is comparable to that recently taken in Michigan Wisconsin Pipeline Co., Docket No. CP72–175 (Commission findings and order issued July 20, 1972), where we made a determination of the public interest on a specific settlement proposal presented to us, but expressly stated that our action there would not serve as a precedent for subsequent projects prior to completion of a thorough Commission study of the fundamental issues involved.

Our action today on the revised offer of settlement does not commit the Commission to any particular course of action on those matters which are now in hearing, nor does it obligate the Commission to reach a particular decision with respect to those cases.

We are impelled to approve the revised offer of settlement in order to permit construction of needed pipeline facilities during the current construction season, and to prevent additional curtailments on Texas Eastern's system.

As to staff's second area of concern, we believe that this is adequately met by the terms of the revised offer of settlement which embody Mobil's agreement that we should condition our approval of the exchange and transportation features of the revised offer of settlement to require that Mobil shall use such gas only for the requirements of its existing Beaumont, Tex., refinery and chemical complex in Jefferson County, Tex., and that such use shall be confined to the replacement of existing gas feedstock and energy requirements of such complex of 350,000 Mcf per day.

We do not authorize any diversion by Mobil of the reserved volumes to any use other than that expressly approved, and we intend by this condition that Mobil may not sell, nor exchange, any of the reserved volumes. We have ample power to enforce this condition through our continuing jurisdiction over transportation certificates. See F.P.C. v. Louisiana Power & Light Company, ____ U.S. ____ (June 7, 1972, slip opinion).

As a condition to our approval of the settlement, we require that, in times of emergency, when industrial consumers indirectly served by Texas Eastern through a distribution company have been fully curtailed except for gas needed for essential purposes, the volumes herein authorized to be transported for Mobil shall be made available by Mobil to Texas Eastern to assist in the maintenance of domestic and other essential noncurtailable services on Texas Eastern's system. See Chandeleur Pipe Line Co., Docket No. CP69–76, Opinion 560–A, aff'd sub nom, Public Service Commission of New York v. F.P.C., ____ F. 2d ____, No. 71–1197 (D.C. Cir., May 16, 1972).

Environmental Impact—The proposed Texas Eastern facilities consisting of 28.4 miles of 24-inch and 1.55 miles of 16-inch lateral pipeline will be installed approximately 80 miles off the coast of Louisiana in water depths in excess of 120 feet and will be buried to a minimum depth of 3 feet and near the producer platforms to a depth of 10 feet. The proposed route for the pipeline will result in the shortest length of pipeline necessary to connect the reserves and will not parallel any existing rights-of-way. The pipeline will not traverse any national historic places, natural landmarks, monuments or parks, or scenic, wildlife, or recreational areas. Texas Eastern states that it will adhere to the construction guidelines set forth in § 2.69 of the Commission's statements of general policy and interpretations.

Core samples taken along the proposed pipeline route indicate that the ocean floor contains no appreciable amounts of sediment that would have unfavorable effects upon marine life during pipe trenching. There are no shellfish grounds in the vicinity of the proposed line. The pipeline will be installed by a floating, self-contained plant allowing the construction to proceed with minimal disruption to local conditions. All construction equipment will be operated in accordance with U.S. Coast Guard, Department of the Interior and Corps of Engineer regulations which place strict controls on waste disposal. After the pipeline has been placed in the trench, the ocean floor contour will be returned to its original state in a short period of time by the natural actions of the ocean currents. The routing of the pipeline will avoid any scour areas.

The pipeline installation will affect only the bottom area in the vicinity of the pipe, and the tides and ocean current will restore the area to its original condition in a short time span. Considering the hydrology factors of winds, waves, tides, currents, turbidity, bottom temperatures, and the total environment, we conclude that the impact of the proposed pipeline extension appears insignificant in its effect on the environment.

The construction and operation of the proposed facilities will not adversely affect any aquatic, wildlife, park, recreational areas, or any areas listed in national registers of national landmark and historical places. White shrimp are rarely found in water depths greater than 60–75 feet, while brown shrimp are found in water depths of 250–280 feet, and red shrimp are typically found in water depths of up to 600 feet. However, only a small area near the pipe during the jetting-in process will be disturbed and any effects would be minor and temporary in nature. The menhaden commercial fishing industry would not be affected since this fish is a surface schooling species and are very mobile. These fish are usually found close to shore and in water depths shallower than 60 feet. The proposed construction will not affect commercial fishing or fisheries.

The unavoidable adverse environmental effects resulting from the installation and operation of the facilities

are the trenching to bury the pipe. The other adverse effects are temporary in nature. There is no practical alternative to the proposed project. Other than the depletion of natural gas reserves there will be no irreversible or unretrievable commitments of environmental resources.

The Commission concludes that the proposed project will not constitute a major Federal action having any significant adverse effect on the environment.

The Commission finds:

(1) Petitions to intervene in these proceedings which were filed after the deadline as set forth in the respective notices are allowed to be filed for good cause stated in each petition.

(2) The motion of Mobil and Texas Eastern for approval of settlement offer and issuance of certificates of public convenience and necessity has been shown to be required by the public interest as hereinafter conditioned.

(3) Applicant, Texas Eastern Transmission Corp., is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(4) The facilities of Texas Eastern hereinbefore described, as more fully described in the application in this proceeding as supplemented, are to be used in the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof by the applicant is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(5) Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements rules and regulations of the Commission thereunder.

(6) The construction and operation of the proposed facilities by Texas Eastern are required by the public convenience and necessity and a certificate, therefore, should be issued as hereinafter ordered and conditioned upon compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Parts 154 and 157.20(a), (b), (c)(3), (c)(4), (e), (f), and (g) of the Commission's regulations.

(7) Mobil Oil Corp. is a natural gas company within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural gas company" within the meaning of the Natural Gas Act upon the commencement of service of the authorizations hereinafter granted.

(8) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Mobil, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary, therefore, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(9) The sales of natural gas by Mobil together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore are required by the public convenience and necessity; and certificates therefore should be issued as hereinafter ordered and conditioned.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements relating to the authorizations hereinafter granted should be accepted for filing.

(11) The proposed project of Texas Eastern will involve no long-term environmental impairment and any short-term effects will be minor when compared to the environmental and other benefits derived from the increased availability of natural gas made possible by this project.

The Commission orders:

(A) The joint motion of Mobil and Texas Eastern filed June 9, 1972, for approval of settlement offer and immediate issuance of certificates in Dockets Nos. CP72-211, CI72-530, and CI72-578 is granted as herein ordered and conditioned.

(B) The applications in Dockets Nos. CP72-211, CI72-530, and CI72-578 are hereby severed from the proceedings in Tennessee Gas Pipeline Co., a division of Tenneco, Inc., et al., Dockets Nos. CP72-6 et al.

(C) A certificate of public convenience and necessity is issued to Texas Eastern authorizing the construction and operation of the facilities proposed in Docket No. CP72-211 upon the following conditions:

(1) That Texas Eastern comply with Part 154 and § 157.20 (a), (b), (c)(3), (c)(4), (e), (f), and (g) of the Commission's regulations.

(2) Construction be completed and operation commenced within 12 months from date of this order.

(3) Texas Eastern shall, within 30 days hereof, tender for filing a transportation rate schedule for Commission approval setting forth the changes, terms and conditions of the transportation service here authorized. Charges are to be fully compensatory to Texas Eastern including an appropriate share of the expenses and costs related to facilities constructed hereunder in addition to expenses and costs of all other facilities utilized to implement the service. Transportation service shall not commence prior to Commission approval of the transportation rate schedule.

(4) Volumes transported by Texas Eastern for Mobil shall be utilized by Mobil only for the requirements of its existing Beaumont, Tex., refinery and chemical complex in Jefferson County, Tex., and such use shall be confined to the replacement of existing gas feedstock and energy requirements of such complex of 305,000 Mcf per day.

(5) In times of emergency, when industrial consumers indirectly served by Texas Eastern through a distribution company have been fully curtailed except for gas needed for essential purposes, the volumes herein authorized to be transported for Mobil shall be considered as constituting part of Texas Eastern's systemwide gas supply to maintain domestic and other essential noncurtailable services on Texas Eastern's system.

(D) A certificate of public convenience and necessity is issued to Mobil in Docket No. CI72-578, on condition that:

(1) The total initial rate be 26.0¢ at 15.025 p.s.i.a. as adjusted for quality pursuant to Opinion No. 598 and subject to Opinion Nos. 598 and 598A and any further order issued thereunder.

(2) There be a filing, within 90 days from the date of initial delivery, of three copies of a rate schedule-quality statement, for the sale as specified by ordering paragraph (D) of the Commission's Opinion No. 598.

(3) The transportation of liquids and liquefiable hydrocarbons is subject to § 2.71 of the Commission's statement of general policy.

(4) The proposed rate schedule of Mobil, consisting of a contract and transportation and exchange agreement is accepted for filing as conditioned below and will be effective on the date of initial delivery. An appropriate filing by Mobil will be made to advise the Commission of initiation of service hereunder.

(5) Mobil's contract and its transportation and exchange agreement, both dated February 18, 1972, will be designated as Rate Schedule No. 486 and Supplement No. 1 thereto, respectively. This does not constitute approval of the terms and conditions of said schedules and the acceptance is conditioned upon a full compliance with ordering paragraph (C)(3) above.

(6) In time of emergency, when industrial consumers indirectly served by Texas Eastern through a distribution company have been fully curtailed except for gas needed for essential purposes, the volumes being authorized to be transported for Mobil shall be delivered to Texas Eastern and shall be considered as constituting part of Texas Eastern's systemwide gas supply in maintenance of domestic and other essential noncurtailable services on Texas Eastern's system. Reimbursement to Mobil for said volumes shall be at the rate specified under ordering paragraph (D)(1) above.

(E) A certificate of public convenience and necessity is issued in Docket No. CI72-530 authorizing Mobil to sell natural gas in interstate commerce to Texas Eastern at an initial rate of 32¢ per Mcf at 15.025 p.s.i.a. under the terms and conditions of the settlement proposal and for the limited period ending January 1, 1976.

(F) Mobil's limited term contract and supplement thereto in Docket No. CI72-530, both dated February 18, 1972, will be

designated as Rate Schedule No. 487 and Supplement No. 1 thereto, respectively.

(G) Algonquin Gas Transmission Co., Atlantic Richfield Co., and the State of Louisiana are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission, provided that the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and that the admission of such interveners shall not be construed as recognition by the Commission and 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.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12666 Filed 8-10-72;8:51 am]

[Docket No. CP73-20]

TRANSCO ENERGY CO.

Notice of Application

AUGUST 4, 1972.

Take notice that on July 24, 1972, Transco Energy Co. (Applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP73-20 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 a substitute natural gas (SNG) plant and the sale for resale of the plant output to Transcontinental Gas Pipe Line Corp. (Transco), its corporate parent, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate an SNG plant, known as the Twin Oaks Naphtha Gasification Plant, to gasify liquid hydrocarbons into approximately 250,000 Mcf per day of pipeline quality gas at a site in Upper Chichester Township, Delaware County, Pa. Applicant states that the plant will utilize liquid hydrocarbon feedstocks from domestic and foreign sources, which, according to a letter agreement between Applicant and Sun Oil Co. (Sun) dated May 27, 1972, will be unloaded, stored, and handled at Sun's nearby refinery facilities at Marcus Hook, Pa., prior to delivery to the plantsite. Applicant further requests authorization to sell and deliver the plant output of approximately 250,000 Mcf per day to Transco at the tailgate of the plant. Transco has filed a companion certificate application in Docket No. CP73-21 for authority to construct and operate the requisite facilities to receive the gas into Transco's existing Marcus Hook-Woodbury loop, which parallels the Twin Oaks plant property boundary. Applicant states that the proposed SNG project is a necessary undertaking, which will assist Transco in meeting its existing market requirements and will enable Transco to reduce annual curtailment of service by approximately 87,500,000 Mcf, beginning in mid-1974 when the plant is anticipated to be placed in operation.

Applicant states that the total estimated cost of the facilities is $85,000,000, which will be financed from $55,000,000, of long-term debt securities and $30,000,000 of common equity to be provided by Transco.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 28, 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 a 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 to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12627 Filed 8-10-72;8:46 am]

[Docket No. CP73-21]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 4, 1972.

Take notice that on July 24, 1972, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP73-21 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, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct, install, and operate a purchase meter station, approximately 1,650 feet of 30-inch pipeline, and a tap on its existing Marcus Hook-Woodbury loop facilities in Delaware County, Pa. Applicant states that the proposed facilities will connect its existing facilities to Transco Energy Co.'s (Energy) proposed Twin Oaks Naphtha Gasification Plant, which is the subject of Energy's companion certificate application filed in Docket No. CP73-20. Applicant states that the facilities will enable it to purchase and receive 250,000 Mcf of substitute natural gas (SNG) from Energy, a wholly owned subsidiary of Applicant, which new supply will help meet the presently authorized level of firm service on its pipeline system. Applicant further requests permission to include the cost of SNG purchased from Energy within the operation of its purchased gas adjustment tariff pending in Docket No. RP73-3.

Applicant estimates the cost of the proposed facilities to be $380,000, which will be financed from available cash.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 28, 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 to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12628 Filed 8-10-72;8:46 am]

[1] Chairman Nassikas dissenting filed a separate statement which is filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION

[70-5228]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

AUGUST 7, 1972.

Notice is hereby given that Alabama Power Co., 600 North 18th Street, Birmingham, AL 35291 (Alabama), an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $65 million principal amount of its First Mortgage Bonds, ——% Series, to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds are issued. Alabama will decide on the maturity of the bonds and notify prospective bidders not less than 72 hours prior to the time of the bidding. The interest rate (which shall be a multible of ⅛ percent) and the price, exclusive of accrued interest, to be paid to Alabama (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture, dated as of January 1, 1942, between Alabama and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of September 1, 1972, which includes a prohibition until September 1, 1977, against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Alabama proposes to use the proceeds from the sale of the bonds together with the proceeds from the sales, heretofore authorized by the Commission, of $100 million principal amount of first mortgage bonds and $20 million (200,000 shares) of preferred stock in April 1972 (Holding Company Act Release No. 17537), cash contributions to capital of $44,500,000 by the Southern Co. (File No. 70-5115), and cash on hand in excess of operating requirements, interest, and dividends, to finance its 1972 construction program (estimated at $259 million), to pay short-term promissory notes and commercial paper notes incurred for such purpose, and for other lawful purposes. Alabama estimates that no additional financing will be required for construction purposes during 1972 except for the issuance and sale of short-term bank notes and commercial paper notes authorized by the Commission in File No. 70-5115.

It is stated that the issuance and sale of the new bonds is subject to the authorization of the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than August 25, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12678 Filed 8-10-72;8:49 am]

[811-2177]

FIRST OF DENVER INVESTMENT FUND

Notice of Proposal To Terminate Registration

AUGUST 7, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that First of Denver Investment Fund, 621 17th Street, Denver, CO 80202 (First of Denver), registered under the Act as a diversified open-end management investment company, has ceased to be an investment company.

On March 15, 1971, First of Denver filed a notification of registration on Form N-8A pursuant to section 8(a) of the Act, a registration statement on Form N-8B-1 pursuant to section 8(b) of the Act, and a registration statement on Form S-5 pursuant to the Securities Act of 1933. The registration statement filed under the Securities Act of 1933 never became effective and was withdrawn on August 2, 1972.

First of Denver's proposed public offering was abandoned because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971), which held that the operation of a fund such as First of Denver for the collective investment of funds held by a national bank as managing agent would be illegal under certain provisions of the Federal banking laws.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon First of Denver at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-12679 Filed 8-10-72;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MONTANA DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Montana has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan, and hereby gives notice that the question of approval of the Plan is in issue before him.

The Plan identifies the Workmen's Compensation Division of the Department of Labor and Industry as the State agency designated by the Governor of the State to administer the Plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). The Plan states that the Workmen's Compensation Division currently is exercising statewide inspection authority to enforce many State standards. It describes procedures for the development and promulgation of additional safety standards; rule-making power for enforcement of standards, laws, and orders in all places of employment in the State; the procedures for prompt restraint or elimination of imminent danger conditions; and procedures for inspection in response to complaints.

The Plan includes proposed draft legislation to be considered by the Montana Legislature during its 1973 session amending title 41, chapter 17 of the Montana State Code and related provisions, to bring them into conformity with the requirements of Part 1902.

Under this legislation all occupational safety and health standards and amendments thereto which have been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1910.13, 14, 15, and 16 (Ship repairing, Shipbuilding, Shipbreaking, and Longshoring) will, after public hearing by the Montana agency be adopted and enforced by that agency. The Plan set forth a timetable for the proposed adoption of standards.

The legislation will give the Workmen's Compensation Division full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State. It also proposes to bring the Plan into conformity in procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms and emergency treatment; and procedures for variances and the protection of employees from hazards.

The proposed legislation will ensure employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections; protection of employees against discharge or discrimination in terms and conditions of employment; notice to employees or their representatives when no compliance action is taken upon complaints, including informal review; notice to employees of their protections and obligations; adequate safeguards to protest trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective remedies against employers; and employer right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings.

Included in the Plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of Montana. The Plan sets out goals and provides a timetable for bringing it into full conformity with part 1902 upon enactment of the proposed legislation by the State legislature.

2. *Location of plan for inspection and copying.* A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 1162, 1726 M Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 15218, 1961 Stout Street, Denver, CO 80202; The Workmen's Compensation Division, Department of Labor and Industry, Room 3, 815 Front Street, Helena, MT 59601. Copies of the Plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given 30 days from the day of this publication in which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of State Programs, Room 1162, 1726 M Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above addresses.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 8th day of August 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-12675 Filed 8-10-72;8:51 am]

Office of the Secretary

NEW YORK

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Gerald E. Dunn, Executive Deputy Industrial Commissioner of the New York State Department of Labor, has determined that there was a State "off" indicator in New York for the week ending July 1, 1972, and that an extended benefit period terminated in the State with the week ending July 22, 1972.

Signed at Washington, D.C., this 8th day of August 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-12677 Filed 8-10-72;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice 51]

ASSIGNMENT OF HEARINGS

AUGUST 8, 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 29120 Sub 139, All-American Transport, Inc., now being assigned October 30, 1972 (1 week), at Des Moines, Iowa, in a hearing room to be later designated.

I & S 8753, Revised bargeload rates, inland waterways, now being assigned October 30, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

I & S M 26022, General increase, July 1972, eastern central territory, now being assigned October 10, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7716, United Van Lines, Inc., investigation and revocation of certificate now assigned August 9, 1972, at St. Louis, Mo., hearing is canceled.

MC 63390 Sub 16, Carl R. Bieber, Inc., now being assigned October 2, 1972 (1 week), at Reading, Pa., in a hearing room to be later designated.

MC-136307, Burkewitz Transport, Inc., now being assigned hearing November 6, 1972 (1 day), at Montpelier, Vt., in a hearing room to be later designated.

MC-172-8, Robert E. Wade, now being assigned hearing October 30, 1972 (1 week), at Albany, N.Y., in a hearing room to be later designated.

MC-F-11442, K. G. Moore, Inc.—purchase—Fleming's Express, Inc., now being assigned hearing November 8, 1972 (3 days) at Boston, Mass., in a hearing room to be later designated.

MC 129631, Pack Transport, Inc., now assigned August 21, 1972, at Salt Lake City, Utah, hearing is canceled and petition dismissed.

MC 11383 Sub 180, Refrigerated Food Express, Inc., now being assigned hearing November 1, 1972 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-F-11023, Dundee Truck Line, Inc.—control—Modern Motor Express, Inc., and MC 109914 Sub 27, Dundee Truck Line, Inc., now being assigned hearing November 6, 1972 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

FD 26583, Detroit and Toledo Shore Line Railroad petition for joint use of terminal facilities at Trenton, Mich., now being assigned hearing October 30, 1972 (2 days), at Toledo, Ohio, in a hearing room to be later designated.

MC 121499 Sub 4, William Hayes Lines, Inc., now being assigned October 16, 1972 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC 21227 Sub 7, Midland Truck Lines, Inc., now being assigned hearing October 16, 1972 (1 week), at Lexington, Ky., in a hearing room to be later designated.

MC 119493 Sub 89, Monkem Co., Inc., continued to October 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 120981 Sub 13, Bestway Express, Inc., now being assigned hearing October 25, 1972 (2 days), at Lexington, Ky., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12705 Filed 8-10-72;8:54 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 8, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42496—*Woodpulp and woodpulp screenings from Thurse, Quebec, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3022), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, as described in the application, from Thurse, Quebec, Canada, to Carthage and Glens Falls, N.Y.

Grounds for relief—Motortruck competition.

Tariff—Supplement 69 to Canadian Pacific Railway tariff ICC E-2633. Rates are published to become effective on September 6, 1972.

FSA No. 42497—*Ethylene glycol from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-345), for interested rail carriers. Rates on ethylene glycol, in tank car loads, as described in the application, from specified points in Louisiana and Texas, to Earl and Fiberton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southwestern Freight Bureau, agent, tariff ICC 5002. Rates are published to become effective on September 6, 1972.

FSA No. 42498—*Chemicals to points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-339), for interested rail carriers. Rates on chemicals, in tank car loads, as described in the application, from points in Louisiana and Texas, to points in eastern territory.

Grounds for relief—Market competition.

Tariff—Supplement 36 to Southwestern Freight Bureau, agent, tariff ICC 4966. Rates are published to become effective on September 10, 1972.

FSA No. 42499—*Caustic soda to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-336), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank car loads, as described in the application, from specified points in Louisiana and Texas, to points in southern territory.

Grounds for relief—Market competition.

Tariffs—Supplements 379 and 19 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 5019, respectively. Rates are published to become effective on September 13, 1972.

FSA No. 42500—*Alloys or metals from East Liverpool,* Ohio. Filed by Southwestern Freight Bureau, agent (No. B-337), for interested rail carriers. Rates on alloys or metals, in carloads, as described in the application, from East Liverpool, Ohio, to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 200 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on September 13, 1972.

FSA No. 42501—*Resin plasticizers to Dania, Fla.* Filed by Southwestern Freight Bureau, agent (No. B-338), for interested rail carriers. Rates on resin plasticizers, in tank car loads, as described in the application, from Bayport and Texas City, Tex., to Dania, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 19 to Southwestern Freight Bureau, agent, tariff ICC 5019. Rates are published to become effective on September 13, 1972.

FSA No. 42502—*Joint water-rail container rates—Showa Shipping Co., Ltd.* Filed by Showa Shipping Co., Ltd. (No. 2), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief: Water competition.

Tariffs—Showa Shipping Co., Ltd., tariffs ICC Nos. 1 and 2.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12706 Filed 8-10-72;8:54 am]

[Notice 102]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73715. By order of July 18, 1972, the Motor Carrier Board approved the transfer to Earl Haines, Inc., Winchester, Va., a portion of the operating rights in Certificate No. MC-55883 issued May 20, 1958, to Express, Inc., Stephenson, Va., authorizing the transportation of carbonated beverages, apples and peaches, fruit products, canned goods, glassware and glass containers, and other specified commodities, to and from Front Royal and Winchester, Va., and other named Virginia points, and points in Ohio, West Virginia, New York, Pennsylvania, and North Carolina. Bill R. Davis, Suite 1208, Gas Light Tower, Atlanta, Ga. 30303, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12707 Filed 8-10-72;8:54 am]

[Notice 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 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 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 2998 (Sub-No. 27 TA), filed July 24, 1972. Applicant: WOLVERINE EXPRESS INCORPORATED, 701 Erie Street, Muskegon, MI 49441. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk), from the plantsites and warehouse facilities of Dow Chemical U.S.A. at Ludington and Midland, Mich., to points in Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Dow Chemical U.S.A., Midland, Mich. 48640. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 46280 (Sub-No. 72 TA), filed July 24, 1972. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, MI 49507. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (other than in bulk), from the plantsites and warehouse facilities of Dow Chemical U.S.A. located at Ludington, and Midland, Mich., to points in Indiana, south of U.S. Highway 40; points in Kentucky; points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to Junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; points in Missouri on and east of U.S. Highway 65 and Kansas City, Mo., and points in its commercial zone; points in Minnesota on, east, and north of a line beginning at Duluth, Minn., and extending along U.S. Highway 61 to junction Interstate Highway 35, thence south along Interstate Highway 35 to Minneapolis, Minn., and from Minneapolis along U.S. Highway 12 to the Minnesota-Wisconsin State line; points in Wisconsin north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., thence along U.S. Highway 141 to Lake Michigan at Manitowoc, Wis. *Provided, however,* That the authority granted in this paragraph shall not extend to traffic moving to Evansville or Vincennes, Ind.; St. Louis, Mo.; Louisville, Ky., or Minneapolis or St. Paul, Minn., or points in their commercial zones, for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Dow Chemical U.S.A., Midland, Mich. 48640. Send Protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 66746 (Sub-No. 17 TA), filed July 25, 1972. Applicant: JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8365, Jackson, MS 39204. Applicant's representative: John A. Crawford, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between New Orleans, La., and Osyka, Miss., for 180 days. NOTE: Applicant seeks authority to serve all points within the commercial zone of New Orleans, La., to interline and interchange traffic with other carriers serving New Orleans; and to join or tack this authority with existing authority at Osyka. Supported by: There are approximately 19 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: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 103051 (Sub-No. 256 TA), filed July 22, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., Post Office Box 90408, 934 44th Avenue North, Nashville, TN 37209. Applicant's representative: W. G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and blends thereof*, from Chattanooga, Tenn., to points in Pennyslvania, for 180 days. Supporting shipper: Swift Edible Oil Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 114885 (Sub-No. 16 TA), filed July 25, 1972. Applicant: TANK TRUCK TRANSPORT LIMITED, 610 Dixon Road, Rexdale 604, ON, Canada. Applicant's representative: David C. Laub, 1410 Liberty Bank Building, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Synthetic resin materials*, in bulk in tank vehicles, from Detroit, Mich., and Buffalo, N.Y., to points in Ontario and Quebec with border crossings at Detroit, St. Clair and Niagara Rivers, for 180 days. Supporting shipper: Philip Shuman & Sons, Inc., 35 Neoga Street, Depew, NY 14043. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 117565 (Sub-No. 61 TA), filed July 26, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* knocked down; (2) *motor vehicle parts, attachments, and accessories;* and (3) *materials, supplies, and equipment* used in connection with the manufacture of the commodities named in parts (1) and (2) above, between Kosciusko, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Superior Coach Division, Sheller-Globe Corp., 1200 Kibby Street, Lima, OH 45804. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 134922 (Sub-No. 34 TA), filed July 26, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk food products* (except in bulk, other than frozen), *plastic articles, rubber articles, and drugs*, from Altavista, Va., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida,

[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.

Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming; restricted to traffic originating at Altavista, Va., for 180 days. Supporting shipper: Ross Laboratories, 625 Cleveland Avenue, Columbus, OH 43216. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135280 (Sub-No. 6 TA), filed July 24, 1972. Applicant: PEP LINES TRUCKING CO., 15120 Third Street, Highland Park, MI 48203. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general merchantile establishments, and in connection therewith, *materials and supplies* used in the conduct of such business, (1) between Detroit, Mich., and its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Lucas, Fulton, Williams, Defiance, Henry, Wood, Ottawa, Sandusky, Erie, Paulding, Putnam, Hancock, Seneca, and Huron Counties, Ohio, and Wayne, Washtenaw, Jackson, Hillsdale, Lenawee, and Monroe Counties, Mich.; (2) between Toledo, Ohio, on the one hand, and, on the other, points in Lucas, Fulton, Williams, Defiance, Henry, Wood, Ottawa, Sandusky, Erie, Paulding, Putnam, Hancock, Seneca, and Huron Counties, Ohio, and Wayne, Washtenaw, Jackson, Hillsdale, Lenawee, and Monroe Counties, Mich., all under continuing contract or contracts with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper: Montgomery Ward & Co., Inc., Post Office Box 7337, Chicago, IL 60680. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 1100 Broderick Tower, 10 Witherell Detroit, MI 48226.

No. MC 136906 (Sub-No. 1 TA), filed July 24, 1972. Applicant: OMSTEAD REFRIGERATED TRANSPORTATION, INC., 466 West Madge, Post Office Box 7, Hazel Park, MI 48030. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* exempt from economic regulation under section 203(b)(6) of the act, and *frozen foodstuffs* when transported in mixed loads with commodities exempt from economic regulation under section 203(b)(6) of the act, in vehicles equipped with mechanical refrigeration, from ports of entry on the United States-Canada boundary line on the St. Clair and Detroit Rivers in Michigan and the Niagara and St. Lawrence Rivers in New York, to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Washington, Wisconsin, and Washington, D.C., and (2) *materials, supplies, and equipment* used or useful in the manufacture, processing, or distribution of frozen foodstuffs and commodities exempt from economic regulation under section 203(b)(6) of the act, from the destinations above to the origins above, for 180 days. Restricted to shipments originating at or destined to points in Canada, under continuing contract with Maple Leaf Fish Co., Inc., Supporting shipper: Maple Leaf Fish Co., Inc., 3005 Biddle Avenue, Wyandotte, MI. Send protests to: Melvin K. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 136920 TA, filed July 26, 1972. Applicant: GREMIO DE CHOFERES MEXICANOS DE TIJUANA, C.R.O.C., MEXICOACH, Post Office Box 226, La Jolla, CA 92037. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, from San Diego, Calif., to United States-Mexico international boundary at San Ysidro, Calif., from San Diego over Interstate Highway 5 to the United States-Mexico international boundary at San Ysidro, Calif., and return over the same route, for 180 days. Supported by: There are approximately 12 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: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136921 TA, filed July 25, 1972. Applicant: E & R FREIGHT, INC., Rural Route No. 1, Byron, Ill. 61010. Applicant's representative: Allan C. Zuckerman, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (usual exceptions), between Rockford, Ill., on the one hand, and, on the other, points in Stephenson, Winnebago, Whiteside, Boone, Ogle, and Lee Counties, Ill., and Rock County, Wis. Restricted to the transportation of traffic moving from or to the terminal facilities of Lifschultz Fast Freight, Inc., at Rockford, Ill., for 150 days. Supporting shipper: Lifschultz Fast Freight, Inc., 28 North Franklin Street, Chicago, IL 60606. Send protests to: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136922 TA, filed July 26, 1972. Applicant: BLOEDOW TRUCK LEASING CORP., 247 Muenter Avenue, Fond du Lac, WI 54935. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, one-half inch or thicker, on flat bed trailers, from Kewaskum, Wild Rose, Reedsburg, Baraboo, La Farge, Lone Rock, Richland Center, Weyauwega, Woodruff, Dresser, Sparta, Prairie du Chien, Marshfield, Peshtigo, New London, Durand, Medford, Vesper, Appleton, and Soldier's Grove, Wis., to Pulaski, Martinsville, Roanoke, Stanley, Galax, Staunton, Waynesboro, and Rocky Mount, Va., and to Bryson City, Sylva, Waynesville, Asheville, Lenoir, West End, Sanford, Lexington, Pleasant Garden, Hickory, Statesville, Yadkinville, Elkin, Wilkesboro, Biscoe, Siles City, Mebane, and Morganton, N.C., for 180 days. Supporting shipper: Boehm-Madis en Lumber Co., 161 West Wisconsin Avenue, Milwaukee, WI 53203 (Thomas J. Kestly, Treasurer). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12708 Filed 8-10-72;8:54 am]

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PART II



DEPARTMENT OF LABOR

Employment Standards Administration

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Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

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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–115, AP–213, and AP–215 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 Alabama and Iowa.

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 States of Alabama, Arkansas, Colorado, Georgia, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Mississippi, Montana, Nevada, Oklahoma, Oregon, Pennsylvania, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–329(AP–9)	Aug. 13, 1971
AM–1,848; AM–1,853; AM–1,854; AM–1,856; AM–1,859; AM–1,863; AM–1,864	Aug. 20, 1971
AM–2,453(AP–212); AM–2,454(AP–214); AM–3,621(AP–502); AM–3,625(AP–500)	Aug. 25, 1971
AM–2,522; AM–2,523; AM–3,630(AP–219); AM–3,631(AP–220); AM–3,632	Aug. 27, 1971
AM–2,532(AP–217); AM–2,533(AP–216); AM–2,534(AP–216); AM–2,535(AP–216)	Sept. 3, 1971
AM–7,718(AP–501)	Nov. 19, 1971
AM–5,967; AM–5,968; AM–5,972; AM–5,973	Dec. 17, 1971
AM–5,969	Jan. 7, 1972
AM–11,394	Feb. 4, 1972
AM–6,703(AP–218)	Feb. 18, 1972
AM–9,684; AM–9,685; AM–9,686; AM–9,687; AM–9,688; AM–9,689	Mar. 10, 1972
AM–11,407; AM–11,409; AM–11,410	Mar. 31, 1972
AM–11,411; AM–11,412(AP–308); AM–11,413(AP–307)	Apr. 14, 1972
AM–11,414; AM–11,415	Apr. 21, 1972
AM–8,607; AM–11,416; AM–11,417	Apr. 28, 1972
AM–11,418; AM–11,419(AP–306)	May 5, 1972.
AM–8,618; AM–8,619; AM–11,422	June 2, 1972.
AM–11,424; AM–11,425	June 16, 1972.
AM–11,426	June 23, 1972.
AM–8,626(AP–8)	June 30, 1972.
AP–300	July 7, 1972.
AP–106; AP–107	July 21, 1972.
AP–302; AP–303	July 28, 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 4th day of August 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama COUNTY: Montgomery
DECISION NO.: AP-115 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

51-ALA-1-C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$5.50					
Carpenters	4.19					
Cement Masons	3.88					
Electricians	4.46					
Glaziers	4.65		.10			
Ironworkers:						
Structural	4.77					
Reinforcing	4.43					
Lathers	5.07					
Laborers:						
Unskilled	2.26					
Mason Tenders	2.50					
Pipelayers	2.50					
Painters:						
Brush & Roller	4.75					
Spray & Structural	6.00					
Plasterers	4.25					
Plumbers	4.74					
Roofers	3.55					
Sheet Metal Workers	4.50					
Soft Floor Layers	4.31					
Steamfitters	4.85					
Tile Setters	4.25					
Truck Drivers	3.40					
Power Equipment Operators:						
Backhoes	4.70					
Bulldozers	3.30					
Scrapers	3.30					
Trenching Machine	3.04					
Welders-receive rate for prescribe for craft performing operation to which welding is incidental.						

NEW DECISION

STATE: Iowa
DECISION NUMBER: AP-213
COUNTY: Linn (Except City of Cedar Rapids and abutting municipalities)
DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS; Piledrivermen	$5.70	.21				
CEMENT MASONS	5.40					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	5.05	.15	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.80	.15	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.55	.15	.10			
Form tamper; Air, gas & electric tool op., vibrator; Barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	4.40	.15	.10			

HEAVY AND HIGHWAY CONSTRUCTION (CONT.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen, tending to carpenters; Hot asphalt labor; Stringman on paving work	4.30	.15	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (1/2 cy. & over); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman; Concrete Mixer, Paver; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.80	.30	.30		.01	
Asphalt plant; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull; DW 10 & all similar equipment, over 10 cy struck cap; All self-loading scrapers; Tractors, Bulldozers; Push cats or Pulling scraper or Rooter; Sideboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy); Asphalt spreader; Group equipment greaser; Automatic sub-grade machine; Slip form paving	5.65	.30	.30		.01	
Motor patrol (other than finish); Asphalt roller (high type surfacing); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul;						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10 & all similar equipment under 10 cy struck cap; Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P & H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Asphalt Paver; Backhoe under 3/8 cy	5.40	.30	.30		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader, concrete; Tank Car heater (combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other); Pumps on well points & deep wells for dewatering; mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete Flex-plane; Bull float; Form grade; Motor crane combination driver & oiler; Concrete curing machine	5.20	.30	.30		.01	
Boiler (single); Apprentice engineer or oil or mechanics' helper or Group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck	5.00	.30	.30		.01	
Batching plant (dry); Front end loader, rubbertired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller	4.70	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwise specified); Warehousemen; Drivers on; 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.35	.15				

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Semi & tandem; Ready mix; Dumpster; Tandem axle service; Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation; Drivers on pavement breakers, pole trailers or air compressors and welding machines, including those pulled by separate units	4.45	.15				

NEW DECISION

STATE: Iowa
DECISION NUMBER: AP-215
COUNTY: Polk (Except City of Des Moines and abutting municipalities)
DATE: Date of Publication
DESCRIPTION OF WORK: Heavy and Highway Construction

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.70	.21				
CEMENT MASONS	5.40					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	5.05	.15	.10			
Tree climber; Form setters; Rakers; Vex-tenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.80	.15	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.55	.15	.10			
Form tamper; Air, gas & electric tool op., vibrator; Barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree grounduen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	4.40	.15	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen, tending to carpenters; Hot asphalt labor; Stringman on paving work	4.30	.15	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (1/2 cy. & over); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman; Concrete Mixer, Paver; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.80	.30	.30		.01	
Asphalt plant; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull; DW 10 & all similar equipment, over 10 cy struck cap; All self-loading scrapers; Tractors, Bulldozers; Push cats or Pulling scraper or Rooter; Sideboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy); Asphalt spreader; Group equipment greaser; Automatic sub-grade machine; Slip form paving	5.65	.30	.30		.01	
Motor patrol (other than finish); Asphalt roller (high type surfacing); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul;						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DW 10 & all similar equipment under 10 cy struck cap; Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P & H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Asphalt Paver; Backhoe under 3/8 cy	5.40	.30	.30		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader, concrete; Tank Car heater (combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other); Pumps on well points & deep wells for dewatering; mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete Flex-plane; Bull float; Form grade; Motor crane combination driver & oiler; Concrete curing machine	5.20	.30	.30		.01	
Boiler (single); Apprentice engineer or oil or mechanics' helper or Group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck	5.00	.30	.30		.01	
Batching plant (dry); Front end loader, rubbertired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller	4.70	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwise specified); Warehousemen; Drivers on; 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.35	.15				

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Semi & tandem; Ready mix; Dumpster; Tandem axle service; Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation; Drivers on pavement breakers, pole trailers or air compressors and welding machines, including those pulled by separate units	4.45	.15				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AM-8,607 - Mod. #4						
(37 FR 9171 - April 28, 1972)						
Jefferson County, Alabama						
Change:						
Asbestos workers	$6.41	.18	.15			
Lathers	6.55		.10		.01	
DECISION #AM-11,416 - Mod. #4						
(37 FR 8621 - April 28, 1972)						
Pulaski County, Arkansas						
Change:						
Boilermakers	$6.80	.30	.50		.02	
DECISION #AP-106 - Mod. #1						
(37 FR 14671 - July 21, 1972)						
Fulton, Cobb & DeKalb Counties, Ga.						
Change:						
Asbestos workers	$7.45	.30	.15		.01	
Ironworkers:						
Structural, Ornamental & Reinforcing	6.80	.40	.27		.05	
Plasterers	7.12	.25	.45			
DECISION #AP-107 - Mod. #1						
(37 FR 14675 - July 21, 1972)						
Chatham County, Georgia						
Change:						
Boilermakers	$6.85	.40	.60		.01	
Electricians:						
Electricians	6.80	.30	1%		.2%	
Cable Splicers	7.05	.30	1%		.2%	

DECISION #AM-3,632 - Mod. #5
(36 FR 17079 - August 27, 1971)
Statewide Colorado

MODIFICATIONS P. 2

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Pot-men (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frost-proofing	4.45	.30	.35		.05	

DECISION #AM-3,632 (Cont'd)

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

DECISION #AM-3,632 (Cont'd)

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
(PIPELINES) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potman (not mechanical); Pipewrapper; Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI Pipelayer	4.75	.30	.35		.05	

DECISION #AM-3,632 (Cont'd)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Outside laborers	$4.30	.30	.35		.05
GROUP I Minimum tunnel labor, dry house man	4.90	.30	.35		.05
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.08	.30	.35		.05
GROUP IV Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05
GROUP V Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.30	.30	.35		.05
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
GROUP I Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05
GROUP II Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05

DECISION #AM-3,632 (Cont'd)

LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05
GROUP IV Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,410 - Mod. #6 (37 FR 6614 - March 31, 1972) Orleans, Jefferson, Plaquemines & St. Bernard Parishes, Louisiana						
Change: Boilermakers	$6.80	.30	.50		.02	
DECISION #AM-11,417 - Mod. #6 (37 FR 8637 - April 28, 1972) Caddo & Bossier Parishes, Louisiana						
Change: Boilermakers	6.80	.30	.50		.02	
DECISION #AM-11,424 - Mod. #3 (37 FR 12038 - June 16, 1972) East Baton Rouge Parish, Louisiana						
Change: Boilermakers	6.80	.30	.50		.02	
DECISION #AP-300 - Mod. #2 (37 FR 13455 - July 7, 1972) Rapides Parish, Louisiana						
Change: Boilermakers	6.80	.30	.50		.02	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-302 - Mod. #1 (37 FR 15225 - July 28, 1972) Calcasieu Parish, Louisiana						
Change: Boilermakers	$6.80	.30	.50		.02	
DECISION #AP-303 - Mod. #1 (37 FR 15227 - July 28, 1972) Calcasieu Parish, Louisiana						
Change: Boilermakers	6.80	.30	.50		.02	

MODIFICATIONS P. 9

DECISION #AM-9,684 - Mod. #5
(37 FR 5170 - March 10, 1972)
Barnstable County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Building, heavy & highway construction:						
Bricklayers, Cement masons-Finishers, Plasterers, Stonemasons	$8.25	.50	.50		.02	
Ironworkers: Str., Orn., Reinf.	7.70	.45	.85		.02	
Plumbers	7.70	.31	.31	.15		
Roofers:						
Roofers, kettlemen & waterproofers	5.00	.25	.05	.35		
Roofers, helpers, Class A	4.55	.25	.05	.35		
Roofers, helpers, Class B	3.30					
Sheet metal workers	8.50	.30	.25			
Steamfitters	7.70	.31	.31	.15		
Power Equipment operators' schedule						
Omit:						
Building, heavy & highway construction:						
Electricians	7.85	.25	1%		c	
Add:						
Building, heavy & highway construction:						
Electricians:						
Electrical contracts under $12,000.00	6.85	.25	1%		c	
Electrical contracts over $12,000.00	8.15	.25	1%		c	

MODIFICATIONS P. 10

DECISION #AM-9,684 - Mod. #5 (CONT'D)

MASS.-1-PEO-1-2-3-C

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$9.06	.40	.50	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance. grout pumps, locomotive or machines used in place thereof	8.94	.40	.50	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	7.425	.40	.50	a	.02	
Assistant engineers (firemen)	8.21	.40	.50	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.82	.40	.50	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.43	.40	.50	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

DECISION #AM-9,685 - Mod. #6
(37 FR 5172 - March 10, 1972)
Essex County, Massachusetts

Change:
Building, heavy & highway construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters: Lynn, Lynnfield, Saugus, Swampscott, Nahant Steamfitters	$9.26	.36	.30		.05	
Power Equipment Operators' schedule						

DECISION #AM-9,685 - Mod. #6 (CONT'D)
BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$9.06	.40	.50	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.94	.40	.50	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors						
Jackson type tamper single diaphragm pump	7.425	.40	.50	a	.02	
Assistant engineers (firemen)	8.21	.40	.50	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.82	.40	.50	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.43	.40	.50	a	.02	

Paid Holidays :
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-9,686 - Mod. #5 (37 FR 5174 - March 10, 1972) Hampden County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Electricians:						
Chester Twp	$8.35	.35	1%+.20		.01	
Leadburners	7.80	.30		d	.01	
DECISION #AM-9,687 - Mod. #5 (37 FR 5181 - March 10, 1972) Middlesex County, Massachusetts						
Townships of: Concord, Lexington, Lincoln, Waltham, & Weston						
Change:						
Building, heavy & highway construction:						
Plumbers & Steamfitters	$8.675	.35	.40		.025	
Townships of: Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn						
Change:						
Building, heavy & highway construction:						
Cement masons	8.90	.35	..20		.04	
Leadburners	7.80	.30		c	.01	
Power equipment operators' schedule						

DECISION #AM-9,687 - Mod. #5 (CONT'D) MODIFICATIONS P. 14 MASS.-1-PEO-1-2-3-C

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$9.06	.40	.50	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance. grout pumps, locomotive or machines used in place thereof	8.94	.40	.50	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors						
Jackson type tamper single diaphragm pump	7.425	.40	.50	a	.02	
Assistant engineers (firemen)	8.21	.40	.50	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.82	.40	.50	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.43	.40	.50	a	.02	

Paid Holidays :
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

MODIFICATIONS P. 15

DECISION #AM-9,688 - Mod. #5
(37 FR 5177 - March 10, 1972)
Suffolk County, Massachusetts

Change:
Building, heavy & highway construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$8.90	.35	.20		.04	
Leadburners	7.80	.30		c	.01	
Power equipment operators' schedule						

DECISION #AM-9,688 - Mod. #5 (CONT'D) MODIFICATIONS P. 16 MASS.-1-PEO-1-2-3-C

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Cl
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$9.06	.40	.50	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.94	.40	.50	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump	7.425	.40	.50	a	.02	
Assistant engineers (firemen)	8.21	.40	.50	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.82	.40	.50	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.43	.40	.50	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

DECISION #AM-9,689 - Mod. #6
(37 FR 5179 - March 10, 1972)
Worcester County, Massachusetts

Change:
Building, heavy & highway construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters:						
Westboro:						
Brush	$7.00	.35	.25			
Steel	7.25	.35	.25			
Spray	7.95	.35	.25			
Power equipment operators' schedule						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$9.06	.40	.50	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.94	.40	.50	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors						
Jackson type tamper single diaphragm pump	7.425	.40	.50	a	.02	
Assistant engineers (firemen)	8.21	.40	.50	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.82	.40	.50	a	.02	
Oilers and apprentices on truck cranes and gradalls	6.43	.40	.50	a	.02	

Paid Holidays :
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

DECISION #AM-8,618 - Mod. #2
(37 FR 11140 - June 2, 1972)
Hinds County, Mississippi

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians:						
Electricians	$6.35		1% + .50		1/10of1%	
Cable Splicers	6.70		1% + .50		1/10of1%	
Power Equipment Operators:						
Group A	6.85	.15	.20			
Group B	5.90	.15	.20			
Group C	5.65	.15	.20			
Group D	5.25	.15	.20			
Group E	4.60	.15	.20			

DECISION #AM-8,619 - Mod. #2
(37 FR 11142 - June 2, 1972)
Pearl River & Harrison Counties, Miss.

Change:

Laborers:						
Vibrator - jackhammer; mortar mixers; pipelayers (sewer; power saw op.)	$4.05					
Laborers	3.85					
Mason tenders; plasterers' tenders	3.95					
Painters - Commercial:						
Brush and roller	5.30				.03	
Spray	6.55				.03	
Structural steel under 30':						
Brush and roller	5.55				.03	
Spray	6.55				.03	
Plumbers and steamfitters	6.95	.18	.20		.01	
Power Equipment Operators:						
Group E	5.25		.20			

DECISION #AM-2,522 - Mod. #6
(36 FR 17109 - August 27, 1971)
Eastern Counties, Montana
Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley-Wibaux

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
AXEMAN; Car, Truck Loader, Scissorman; Chuck tender, Nipper (above ground); Dumpman (Spotter); Fence Erectors; Flagman; General Laborers; Form Stripper; Landscape Laborer; Pilot Car; Riprap Helper; Sandblaster Tailhose Man; Pot Tender; Scaleman (weighing trucks); Tool Checker, Toolhouseman; Cosmolene, applying & removing; Heater Tender; Sod Cutter (hand Operated); Carpenter tender; Switchman	4.89	.35	.25		.03
HAND FALLER	4.97	.35	.25		.03
CONCRETE, ASPHALT SAWS; Curb Machine; Form Setter; Nozzleman; Air, Water, Gunnite, Placo Machine; Powderman Helper; Sandblaster; Stake Jumper for equipment; Scalemen; Pipewrapper; Powderman	4.99	.35	.25		.03
ASPHALT RAKER; Caisson Workers (Free Air); Cement Handlers (bulk); Cement Mason tender; Choker Setters; Concrete Laborers (wet, dry); Bucketman, Signalman; Creosote Material Handler, Epoxy, Other Chemically injurious Material; Dumpman (grademan); Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Cat, Truck Mounted Air Operated Drills; Power driven wheelbarrow; Vibrating roller hand steered and other air Tools; Pipelayer (all types); Spike driver single or dual or hand; Riprapper; Rodder, Spreader (concrete); Post hole digger (Power auger)	5.05	.35	.25		.03
HIGH PRESSURE MACHINE NOZZLEMAN	5.09	.35	.25		.03
TAR POT OPERATOR	5.14	.35	.25		.03
DRILLS, AIR-TRACT, SELF-PROPELLED; GRADE SETTER	5.15	.35	.25		.03
RIGGER	5.20	.35	.25		.03

MODIFICATIONS P. 21

DECISION #AM-2,522 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
LABORERS (CONT'D):		H & W	Pensions	Vacation	App. Tr.	Others
DRILLS, AIR-TRACT, WITH DUAL MASTS; High scaler	5.25	.35	.25		.03	
DRILLS, AIR-TRACT, self-propelled, Mustang type or similar	5.35	.35	.25		.03	
POWER SAW (bucking & falling)	5.45	.35	.25		.03	
CORE DRILL OPERATOR	5.49	.35	.25		.03	
WELDER	6.04	.35	.25		.03	

DECISION #AM-2,523 - Mod. #6
(36 FR 17113 - August 27, 1971

MODIFICATIONS P. 22

Western Counties, Montana
Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Chouteau-Deerlodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland-Yellowstone

	Basic Hourly Rates	Fringe Benefits Payments				
Changer		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
CORE DRILL OPERATOR	5.64	.35	.25		.03	
POWDERMAN	5.60	.35	.25		.03	
DRILLS, AIR-TRACT with Dual Masts; High Scaler	5.40	.35	.25		.03	
DRILLS, AIR-TRACT, self-propelled cat or truck mounted air operated drills; Grade setter; power saw (Falling)	5.30	.35	.25		.03	
HIGH PRESSURE MACHINE NOZZLEMAN	5.22	.35	.25		.03	
ASPHALT RAKER, CAISSON WORKERS (Free Air); Cement Handlers; Choker Setter; Concrete Laborers (wet or dry), Bucketman & Signalman; Dumpman (Grademan); Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller-hand steered, & other Air Tools; Pipelayer (all types); Pipewrapper; Riprapper; Rodder & Spreader (Concrete); Cement mason tender; Power saw (Bucking); Scaleman; Rigger; Spike driver, single or dual or hand, Switchmen	5.20	.35	.25		.03	
CONCRETE, or ASPHALT SAWS; Curb Machine; Form Setter; Nozzleman-Air & Water, Gunite & Placo Machine; Post Hole Digger (Power Auger); Powderman Helper; Power-Driven Wheelbarrow; Sandblaster; Tar Pot Operator	5.14	.35	.25		.03	

DECISION #AM-2,523 (cont'd)

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (cont'd):						
HAND FALLER	5.12	.35	.25		.03	
AXEMAN; CAR & TRUCK LOADERS, SCISSORMAN; Chuck Tender & Nipper (above ground); Cosmolene applying & removing; Dumpman (spotter); Fence Erector & Installer (Incl. the Installation & Erection of fences, guard rails, median rails, reference posts, guide posts, & right-of-way markers); Form Stripper; General Laborer; Landscape Laborer; Pilot Car; Riprap Helper; Scaleman (weighing trucks); Sandblaster, tailhose Man, Pot Tender; Stake Jumper for Equipment; Flagman; Tool Checker Toolhouseman; Heater tender; Sod cutter (hand operated); Carpenter tender	5.04	.35	.25		.03	
CONCRETE VIBRATOR (5" & over)	5.29	.35	.25		.03	
DRILLS, AIR-TRACT, self-propelled, MUSTANG type & similar	5.35	.35	.25		.03	
WELDER	6.04	.35	.25		.03	

DECISION #AM-11,411 - Mod. #8
(37 FR 7461 - April 14, 1972)
Tulsa County, Oklahoma

Change:
Boilermakers — $6.80 — .30 — .50 — .02
Power Equipment Operators Schedule

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DECISION #AM-11,411 (cont'd.)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.25	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operationg 2 or more drums; Cherry picker	7.00	.35	.25		.07	
Motor Patrol (Blade); Dozer (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21, & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	6.75	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding Machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator - dual, continuous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.50	.35	.25		.07	
Operator for rotary drilling machines when operated from console or machine	6.50	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air Compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continuous Belt Bulk Handling	6.00	.35	.25		.07	

DECISION #AM-11,411 (cont'd.) MODIFICATIONS P. 25 77 - Okla - PEO 1 3 G (2-2)

POWER EQUIPMENT OPERATOR (Cont'd):	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Greaser; Tilt Top Trailer Operator	$6.10	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	5.80	.35	.25		.07	
Track crane oiler or Truck crane driver	5.70	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						

DECISION #AM-1,848 - Mod. #5
(36 FR 16250 - August 20, 1971)
Allegheny County, Pennsylvania

MODIFICATIONS P. 26

Change:

PA-2-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.36	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable simple unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-1,848 (cont'd.)

MODIFICATIONS P. 27

PA-2-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
Laborers (cont'd):						
Signal man, Whacker	$5.55	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.55	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.86	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.98	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	7.20	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.30	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.60	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.86	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.98	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			

DECISION #AM-1,853 - Mod. #4
(36 FR 16270 - August 20, 1971)
Erie County, Pennsylvania

MODIFICATIONS P. 28

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar Mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

DECISION #AM-1,853 (cont'd)

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26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines)					
Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-1,854 - Mod. #4
(36 FR 16272 - August 20, 1971)
Franklin County, Pennsylvania

Change:

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$4.89	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete), (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-1,854 (cont'd.)

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Checker	$5.14	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.14	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.43	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.55	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	4.86	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines)					
Signal man, Drill runner helper	5.14	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.43	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.55	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-1,856 - Mod. #5
(36 FR 16285 - August 20, 1971)
Lawrence County, Pennsylvania

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

DECISION #AM-1,856 (Cont'd)

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26-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Wrecker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines) Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-1,859 - Mod. #5
(36 FR 16299 - August 20, 1971)
Mercer County, Pennsylvania

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carrysble pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyer, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-1,859 (cont'd) MODIFICATIONS P. 35 [Page 2]

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers (cont'd):					
Signal man, Whacker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-1,863 - Mod. #3 MODIFICATIONS P. 36
(36 FR 16319 - August 20, 1971)
Washington County, Pennsylvania

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit concreter, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Wacker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

DECISION #AM-1,864 (cont'd)

MODIFICATIONS P. 39

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26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe benefits Payments			
		H & W	Pensions	Vacation	Apprn. Tr.
Laborers (cont'd):					
Signal man, Whacker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines)					
Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-5,967 - Mod. #2
(36 FR 24027 - December 17, 1971)
Bedford, Cameron, Clarion, Clinton, Elk, Forest Fulton, Huntington, Mifflin & Potter Counties, Pennsylvania

MODIFICATIONS P. 40

Change:

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe benefits Payments			
		H & W	Pensions	Vacation	Apprn. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$4.89	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete), (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Pope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-5,967 (cont'd.)

MODIFICATIONS P. 41

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$5.14	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.14	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.43	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.55	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	4.86	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.14	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.43	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.55	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-5,968 - Mod. #3
(37 FR 24028 - December 17, 1971)
Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pennsylvania

MODIFICATIONS P. 42

Change:

42-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.09	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or rivitor, Screed operator					

DECISION #AM-5,968 (cont'd.)

MODIFICATIONS P. 43

42-LAR-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Oth
Laborers (cont'd):						
Signal man, Whacker	$5.31	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.31	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.60	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.74	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	7.20	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.07	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.31	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.60	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.74	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			

DECISION #AM-5,969 - Mod. #2
(37 FR 244 - January 7, 1972)
Centre, Clearfield, Jefferson, and Green Counties, Pennsylvania

MODIFICATIONS P. 44

Change:

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$4.89	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-5,969 (cont'd.)

MODIFICATIONS P. 45

PA-5-LAB-1-2-3-K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers (cont'd):						
Signal man, Whacker	$5.14	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.14	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.43	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.55	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	7.20	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	4.86	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.14	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.43	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.55	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			

DECISION #AM-5,972 - Mod. #2
(36 FR 24031 - December 17, 1971)
Beaver County, Pennsylvania

MODIFICATIONS P. 46

Change:

PA-4-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.26	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson man (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-5,972 (cont'd.)

MODIFICATIONS P. 47

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$5.43	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		
Welder (pipeline	7.20	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.19	.30	.30		
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.43	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30		

DECISION #AM-5,973 - Mod. #2
(36 FR 24032 - December 17, 1971)
Butler, Cambria, Fayette, Somerset Counties, Pennsylvania

MODIFICATIONS P. 48

Change:

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.21	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

DECISION #AM-5,973 (cont'd.) MODIFICATIONS P. 49

26-LAB-2-3-I

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (cont'd):						
Signal man, Whacker	$5.43	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.43	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.74	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	5.86	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			
Welder (pipeline	7.20	.30	.30			
Tunnel and Shaft Work (Inside)						
Change house attendant	5.19	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.43	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.74	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.86	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.05	.30	.30			

MODIFICATIONS P. 50

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,407 - Mod. #5 (37 FR 6615 - March 31, 1972) Bexar County, Texas						
Change:						
Building Construction:						
Boilermakers	$6.80	.30	.50		.02	
DECISION #AM-11,409 - Mod. #6 (37 FR 6619 - March 31, 1972) Lubbock County, Texas						
Change:						
Building Construction:						
Boilermakers	6.80	.30	.50		.02	
DECISION #AM-11,414 - Mod. #5 (37 FR 7930 - April 21, 1972) Jefferson & Orange Counties, Texas						
Change:						
Asbestos workers	7.02	.275	.30		.03	
Boilermakers	6.80	.30	.50		.02	
Plasterers	6.825	.27	.30		.02	
DECISION #AM-11,415 - Mod. #6 (37 FR 7931 - April 21, 1972) Jefferson & Orange Counties, Texas						
Change:						
Asbestos workers	7.02	.275	.30		.03	
Boilermakers	6.80	.30	.50		.02	
Plasterers	6.825	.27	.30		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,418 - Mod. #3 (37 FR 9163 - May 5, 1972) Cameron, Hidalgo, Starr & Hidalgo Counties, Texas						
Change:						
Building Construction:						
Boilermakers	$6.80	.30	.50		.02	
DECISION #AM-11,422 - Mod. #5 (37 FR 11145 - June 2, 1972) Travis County, Texas						
Change:						
Building Construction:						
Boilermakers	6.80	.30	.50		.02	
Electricians:						
Electricians	7.30		1%		1%	
Cable splicers	7.30		1%		1%	
DECISION #AM-11,425 - Mod. #5 (37 FR 12014 - June 16, 1972) Nueces County, Texas						
Change:						
Building Construction:						
Boilermakers	6.80	.30	.50		.02	
DECISION #AM-11,426 - Mod. #4 (37 FR 12437 - June 23, 1972) El Paso, Culberson & Hudspeth Counties, Texas						
Change:						
Building Construction:						
Boilermakers	6.80	.30	.50		.02	
Glaziers	4.47	.24				
Ironworkers:						
Ironworkers (El Paso County)	6.00	.25	.40		.05	
Ironworkers (all areas outside El Paso County)	7.00	.25	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,426 (cont'd)						
Painters:						
Brush, paperhangers, chipping and hand tools used for cleaning rollers	$4.75	.24				
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.14	.24				
Spray sandblasting, waterblasting, swing stage	5.415	.24				
Tapers, bedders, rollers 9" in width	4.75	.24				
Ames tools	4.96	.24				
Striping machine	5.41	.24				
All commercial buildings, water tanks, radio towers & smoke stacks:						
Up to 100 feet	6.03	.24				
75 to 100 feet	6.28	.24				
100 to 200 feet	6.53	.24				
200 to 300 feet	6.78	.24				
300 to 400 feet	7.03	.24				
Add:						
Building Construction:						
Tile setters' helpers	3.10					
DECISION #AM-11,394 - Mod. #1 (37 FR 2717 - February 4, 1972) Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties, Texas						
Change Description of Work to Read: Highway and water and sewer utilities construction.						

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: AP-219
Supersedes Decision #AM-3,630, dated August 27, 1971, in 36 FR 17067

COUNTIES: Adams; Arapahoe; Boulder (Southeast portion (incl. City of Boulder); Denver; Douglas (Northern portion Elbert (Northern portion) Weld (Southwest portion)

DATE: Date of Publication

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.	Ot
ASBESTOS WORKERS	$7.53	.25	.62			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons (Elbert County Only)	7.27	.30	.50		.02	
BRICKLAYERS; Stonemasons (Remaining Counties)	8.15	.30	.50	.25	.05	
CARPENTERS:						
Carpenters	6.565	.35	.35	.25	.015	
Millwrights	6.66	.35	.35	.40	.015	
CEMENT MASONS:						
Cement masons	6.35	.25	.20	.60	.03	
Working with composition materials & color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling & floor grinding machines	6.60	.25	.20	.60	.03	
DRAIN LAYERS	4.62		.20	.25		
ELECTRICIANS:						
Electricians (Elbert County Only)	8.10	.32	1%		.01	
Electricians (Remaining Counties)	7.72	.22	1%		2/10%	
Cable splicers (Remaining Counties)	7.97	.22	1%		2/10%	
ELEVATOR CONSTRUCTORS	7.47	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS'HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS'HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS	6.75	.45	.45		.03	
LABORERS (Adams, Arapahoe, Boulder, Denver and Weld Counties. That part of Douglas and Jefferson Counties lying North of the South line of Township 7 South; That part of Elbert County lying West of the East line of Range 65 West and North of the South line of Township):						
ZONE 1 - 0 to 30 miles from nearest basing point	4.25	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	4.70	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	5.15	.25	.30		.03	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power tool ops.; All mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders:						
ZONE 1 - 0 to 30 miles from nearest basing point	4.53	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	4.98	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	5.43	.25	.30		.03	
Brick & plaster tenders; Hod carriers						
ZONE 1 - 0 to 30 miles from nearest basing point	4.58	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	5.03	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	5.48	.25	.30		.03	
LABORERS (Remaining portions of Douglas, Elbert and Jefferson Cos.):						
ZONE 1 - 0 to 30 miles from nearest basing point	4.05	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	4.50	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	4.95	.25	.30		.03	
Power tool ops.; All mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders:						
ZONE 1 - 0 to 30 miles from nearest basing point	4.20	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	4.65	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	5.10	.25	.30		.03	
Brick & plaster tenders; Hod carriers						
ZONE 1 - 0 to 30 miles from nearest basing point	4.28	.25	.30		.03	
ZONE 2 - 30 to 70 miles from nearest basing point	4.73	.25	.30		.03	
ZONE 3 - 70 miles & over from nearest basing point	5.18	.25	.30		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS	5.60					
PAINTERS:						
Brush & roller	7.41	.40	.15		.01	
Drywall finisher; Paperhangers	7.61	.40	.15		.01	
Spray; Swing stage	7.89	.40	.15		.01	
PLASTERERS	6.46					
PLUMBERS; Pipefitters	7.70	.45	.40	.40	.05	
ROOFERS	7.15					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six 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.

HEAVY & HIGHWAY & SITE PREPARATION AND SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Pot-men (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frost-proofing	4.45	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(PIPELINES) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potman (not machanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI Pipelayer	4.75	.30	.35		.05	

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.30	.30	.35		.05	
GROUP I Minimum tunnel labor, dry house man	4.90	.30	.35		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05	
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.08	.30	.35		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05	
GROUP V Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.30	.30	.35		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05	

LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05	
GROUP IV Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION:						
CARPENTERS:						
Carpenters	$5.72	.35	.35	.25	.015	
Underground carpenters Working on creosoted material; High work 40 ft. above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	5.87	.35	.35	.25	.015	
	5.97	.35	.35	.25	.015	
CEMENT MASONS (Outside Denver Metropolitan Area)	5.55	.25	.20	.30	.03	
CEMENT MASONS (Denver Metropolitan Area)	5.75	.25	.20	.30	.03	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)						
GROUP I						
Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.26	.25		.03	
GROUP II						
Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.26	.25		.03	
GROUP III						
Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.26	.25		.03	

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.26	.25		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.26	.25		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.26	.25		.03	

TRUCK DRIVERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Dump Trucks:						
Under 6 cu. yds.	$4.65	.25	.15			
6 cu. yds. to 13 cu. yds.	4.75	.25	.15			
13 cu. yds. to 20 cu. yds.	4.90	.25	.15			
20 cu. yds. to 30 cu. yds.	5.10	.25	.15			
30 cu. yds. to 40 cu. yds.	5.25	.25	.15			
40 cu. yds. and over	5.45	.25	.15			
Fork lift Operator	4.85	.25	.15			
Truck Drivers:						
Cement mixer under 10 cu. yards	4.90	.25	.15			
Cement mixer 10 cu. yds. and over	5.15	.25	.15			
Dumptor type equipment and similar	5.00	.25	.15			
Flat rack	4.65	.25	.15			
Flat rack-semi (single axle)	4.75	.25	.15			
Highboy, lowboy, floats, tandem axle	5.00	.25	.15			
Distributor	4.90	.25	.15			
Water truck, single axle	4.65	.25	.15			
Water truck, semi or tandem axle	4.80	.25	.15			
Water, euclid, electric or similar	5.00	.25	.15			
Winch, pole "A" frame	4.95	.25	.15			
Lumber carrier	4.80	.25	.15			
Truck tire servicemen	4.75	.25	.15			
Truck drivers helpers	4.55	.25	.15			
Truck mechanics	5.05	.25	.15			
Truck mechanics helpers	4.70	.25	.15			
Warehousemen, greasemen, servicemen	4.65	.25	.15			
Pick-up truck drivers	4.55	.25	.15			

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POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.26	.25		.03	
Brakeman	4.95	.26	.25		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.26	.25		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.26	.25		.03	
Concrete Placement Pump under 8" discharge	5.65	.26	.25		.03	
Grout Machine	5.65	.26	.25		.03	
Gunnite Machine	5.65	.26	.25		.03	
Jumbo Form Operator	5.65	.26	.25		.03	
Mole Operator	6.20	.26	.25		.03	
Motorman (Brakeman)	5.30	.26	.25		.03	
Mucking Machines and front end loaders underground	5.80	.26	.25		.03	
Slusher	5.80	.26	.25		.03	

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Line Construction - Colorado	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Cable splicers	$7.40	.15	1%		3/4%
Lineman	6.90	.15	1%		3/4%
Equipment operator	5.90	.15	1%		3/4%
Line equipment maintenance man	5.90	.15	1%		3/4%
Groundman	4.90	.15	1%		3/4%

STATE: Colorado
COUNTY: El Paso
DECISION NUMBER: AP-220
DATE: Date of Publication
Supersedes Decision #AM-3,631, dated August 27, 1971, in 36 FR 17074.
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.	Other
ASBESTOS WORKERS	$7.53	.25	.62			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.27	.30	.50		.02	
CARPENTERS:						
Carpenters	6.02	.35	.35	.20	.015	
Millwrights	6.66	.35	.35	.40	.015	
CEMENT MASONS:						
Cement masons	6.10	.25	.20	.60	.03	
Working with composition materials & color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	6.35	.25	.20	.60	.03	
ELECTRICIANS	8.10	.32	1%		.01	
ELEVATOR CONSTRUCTORS	7.47	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS (Northern portion)	6.75	.45	.45		.03	
IRONWORKERS (Southern portion)	6.75	.45	.45		.01	
LABORERS:						
General laborers (including carrying reinforcing rods)	4.20	.25	.30		.03	
Air, gas & electric tools; Power operated tools such as jackhammers, barco hammers, pavement breakers, spaders, hammers & drills, vibrators, sanders, chain & concrete saws, self-propelled buggies, chipping concrete with pneumatic tools; Pipelayers 6' or less	4.45	.25	.30		.03	
Mason, lather & plaster tender; Concrete and insulation pump operator	4.58	.25	.30		.03	
PAINTERS:						
Brush & roller; Tapers; Texture	6.00	.20				
Paperhangers; Spray; Steel	6.50	.20				
PLASTERERS	6.46					
PLUMBERS; Pipefitters	6.51	.40	.35	$1.17b	.05	
ROOFERS	7.18					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TILE SETTERS	6.86	.30				
TILE SETTERS' HELPERS	5.65	.38	.20	.25		

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Paid Holidays A through G.

PAID HOLIDAYS:

A-New Years's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Veterans' Day.

HEAVY & HIGHWAY & SITE PREPARATION AND SEWER CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Pot-men (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frost-proofing	4.45	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Form-setters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'.	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II						
Potman (not mechanical); Pipewrapper; Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III						
Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV						
Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe)						
Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI						
Pipelayer	4.75	.30	.35		.05	

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.30	.30	.35		.05	
GROUP I						
Minimum tunnel labor, dry house man	4.90	.30	.35		.05	
GROUP II						
Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05	
GROUP III						
Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.08	.30	.35		.05	
GROUP IV						
Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05	
GROUP V						
Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.30	.30	.35		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I						
Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05	
GROUP II						
Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05	

LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05	
GROUP IV Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.26	.25		.03	
GROUP II Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.26	.25		.03	
GROUP III Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.26	.25		.03	

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.26	.25		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.26	.25		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.26	.25		.03	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	$5.72	.35	.35	.25	.015	
Underground carpenters	5.87	.35	.35	.25	.015	
Working on creosoted material; High work 40 ft. above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	5.97	.35	.35	.25	.015	
CEMENT MASONS	5.55	.25	.20	.30	.03	

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TRUCK DRIVERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Dump Trucks:						
Under 6 cu. yds.	$4.65	.25	.15			
6 cu. yds. to 13 cu. yds.	4.75	.25	.15			
13 cu. yds. to 20 cu. yds.	4.90	.25	.15			
20 cu. yds. to 30 cu. yds.	5.10	.25	.15			
30 cu. yds. to 40 cu. yds.	5.25	.25	.15			
40 cu. yds. and over	5.45	.25	.15			
Fork lift Operator	4.85	.25	.15			
Truck Drivers:						
Cement mixer under 10 cu. yards	4.90	.25	.15			
Cement mixer 10 cu. yds. and over	5.15	.25	.15			
Dumptor type equipment and similar	5.00	.25	.15			
Flat rack	4.65	.25	.15			
Flat rack-semi (single axle)	4.75	.25	.15			
Highboy, lowboy, floats, tandem axle	5.00	.25	.15			
Distributor	4.90	.25	.15			
Water truck, single axle	4.65	.25	.15			
Water truck, semi or tandem axle	4.80	.25	.15			
Water, euclid, electric or similar	5.00	.25	.15			
Winch, pole "A" frame	4.95	.25	.15			
Lumber carrier	4.80	.25	.15			
Truck tire servicemen	4.75	.25	.15			
Truck drivers helpers	4.55	.25	.15			
Truck mechanics	5.05	.25	.15			
Truck mechanics helpers	4.70	.25	.15			
Warehousemen, greasemen, servicemen	4.65	.25	.15			
Pick-up truck drivers	4.55	.25	.15			

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POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.26	.25		.03	
Brakeman	4.95	.26	.25		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.26	.25		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.26	.25		.03	
Concrete Placement Pump under 8" discharge	5.65	.26	.25		.03	
Grout Machine	5.65	.26	.25		.03	
Gunnite Machine	5.65	.26	.25		.03	
Jumbo Form Operator	5.65	.26	.25		.03	
Mole Operator	6.20	.26	.25		.03	
Motorman (Brakeman)	5.30	.26	.25		.03	
Mucking Machines and front end loaders underground	5.80	.26	.25		.03	
Slusher	5.80	.26	.25		.03	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction - Colorado						
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

SUPERSEDEAS DECISION

STATE: Kansas
DECISION NO.: AP-500
COUNTY: Sedgwick
DATE: Date of Publication
Supersedes Decision No. AM-3,625, dated August 25, 1971, in 36 FR 16859.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	6.125	.275	.125		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; STONEMASONS	7.18	.45	.25	.25	.02	
CARPENTERS:						
Carpenters	7.25				.03	
Millwrights; Piledrivermen	7.55				.03	
CEMENT MASONS:						
Cement masons	7.00					
Troweling machine operator	7.25					
ELECTRICIANS	7.30		1%		2%	
ELEVATOR CONSTRUCTORS	7.57	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS(PROB.)	50%JR					
GLAZIERS	5.90	.35	.20	5%	.01	
IRONWORKERS	6.78	.20	.25		.02	
LABORERS:						
Common laborers	5.15	.45	.25			
Machine tool operators (air or electric); All sewer and drain in tile layers; mortar mixers, Hod carriers and plaster tenders; All men erecting scaffolds and directly tending masons and plasterers; Men mixing dryer and mortar mixers for cement finishers; Pipe dopers and pipe painters; Work on swing scaffold; Power buggies taking place of wheel barrows and concrete buggies; Powderman; Gunnite nozzleman; Gunnite mixerman; Gunnite vedman; Core driller wagon drill-diamond; Air track drill; Sandblaster, nozzleman and/or potman	5.30	.45	.25			
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	5.70					
PAINTERS:						
Brush; Sandblasting	5.75		.10			
Stage work, chair and window jack work, up to & including five stories high	6.00		.10			
Stage work chair and window jack work over five stories high	6.25		.10			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
PAINTERS: (Cont'd)						
Spray operators scale $.50 per hour premium pay above the classification rate.						
Elevated tanks, towers and stacks over 75 ft. brush work	6.25		.10			
Structural steel when done from picks, stage, chair platforms, over 24 ft. high	6.25		.10			
Structural steel when not done from scaffolding	6.50		.10			
Creosote, tar and bit, coatings $.25 per hour above regular scale.						
PLASTERERS	6.90					
PLUMBERS; STEAMFITTERS	7.61	.42	.45		.04	
ROOFERS:						
Roofers; Kettlemen	6.20	.18	.05		.02	
Roofers, pitch	6.95	.18	.05		.02	
Roofers helpers (Sedgwick County only)	2.50	.18	.05		.02	
SHEET METAL WORKERS	8.28	.35	.30		.01	
SOUND SYSTEM INSTALLER	4.50			c		
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS:						
Pickups and station wagons	5.25	.45	.25			
Flat beds--12,000# and under GVW license capacity	5.25	.45	.25			
Flat beds--16,000# GVW license capacity	5.325	.45	.25			
Flat beds--20,000# over GVW license capacity	5.40	.45	.25			
Dump, batch and water trucks, single axle	5.40	.45	.25			
Lowboys, semi-trailers, dumptors, A-frame tandems winch trucks, when used as such & transit mix	5.50	.45	.25			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

13 - Kansas - 1 - N (3-3)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays: A through F
c - Regular workmen working on a full-time basis shall be granted vacations with pay under the following conditions:
1. Those who on January 1 of the current year have been in the employ of the Company for three (3) months, Shall receive one (1) day of vacation with pay within the current year.
2. Those who on January 1 of the current year have been continuously in the employ of the Company for more than three months but less than twelve (12) months, shall receive within the current year one (1) day for three months, and one (1) day for each month over three (3) months of service.
3. Those who on January 1 have been continuously in the employ of the Company for twelve (12) months or more, shall receive within the current year two (2) weeks' vacation with pay.
4. Those who on January 1 have been continuously in the employ of the Company for five (5) Years or more shall receive within the current year three (3) weeks' vacation with pay.

KAN - 1 - PEO - 1 - 4

Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Boiler (2); boom cat, boring machine, ditching machine; concrete ready-mix plant; crane, truck crane, clamshell; dragline; dozer, scraper, all types, patrol; fireman (when operating steam or air valve); gradall; hi-loaders; hoist, two drum; locomotive; mechanic or welder; mixermobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material	$7.70	.40	.35	.25		
Frankie-type pile driving machine	8.20	.40	.35	.25		
Tower cranes and derricks	8.20	.40	.35	.25		
GROUP II						
A-frame truck; barber-greene loader or similar type; boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom; pump, 4" or larger; small machine engineer; tractor, (50 H.P. and over); welding machine (1)	7.30	.40	.35	.25		
GROUP III						
Farm tractor (without attachments); and oiler	6.85	.40	.35	.25		
GROUP IV						
Crane, truck crane, clamshell, dragline; Piledriver operator & power shovel:						
100 ft. boom or over (including jib) or 30 tons or over or 2 yard capacity or over.	7.95	.40	.35	.25		
Booms 200 ft. and over	8.20	.40	.35	.25		
Motor crane oiler	7.10	.40	.35	.25		

HOIST, EACH ADDITIONAL DRUM OVER TWO....an additional .25¢

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Kansas - J3 - IAB - 2 - 3 - c

Site Preparation & Grading

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Mixerman-no skip lift; Nailers; Salamander tender; Board Mat Weavers & cable tiers; Carpenter Tenders; Track men; Manually operated Georgie Buggies; Water pumps up to 4 in.; Concrete puddler, mechanical tool; Vibrator operator; Rubbing concrete; Crusher feeder; Form setters helpers; Wire mesh setter (concrete paving); Truck Dumper; All other construction & general labors	$3.15	.25	.25			
Air tool operator; Asphalt Raker; Cement handler, bulk; Chain saw; Concrete saw; Mechanically operated Georgie Buggies; Material Batch Hopper and Scale man; Mixer man; Pier Hole man in hole 10 or more feet deep; Wagon and Churn Drill operated; Wood-Concrete block and Brick setter; Signal Man (crane); Barco tamper; Nozzle Burner (cutting torch); Hot Mastic Kettleman; Mason Tender	3.30	.25	.25			
Head form setter and liner on concrete paving; sanitary sewer pipe layer; Sandblasting and Powderman; Storm Sewer Pipe Layer; Lead Pusher	3.45	.25	.25			

AP-500 P. 6

Kansas 1 PEO 2 J (1-2)

Site Preparation & Grading

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Master Mechanic	$ 6.50	.25	.25	.25	.05	
Group I						
Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane, Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	6.25	.25	.25	.25	.05	
Group II						
Asphalt Plant Operator; Elevating Grader Operator; Pushcat Operator	6.00	.25	.25	.25	.05	
Blades, all types; Dozer; Scoop Operator, all types	6.25	.25	.25	.25	.05	
Group III						
A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist - 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.	5.75	.25	.25	.25	.05	

SITE PREPARATION & GRADING

Kansas 1 PEO 2 J (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group III (Cont'd)						
Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booster & boiler; Towboat Operator; Vibrating Machine Operator, not hand	$ 5.75	.25	.25	.25	.05	
Group IV						
Concrete Gang Saw, self-propelled (concut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	5.40	.25	.25	.25	.05	
Group V						
Oiler, motor crane	5.50	.25	.25	.25	.05	

Kansas 6-TD 2 - K

Site Preparation & Grading	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Pick-ups, panel trucks, station wagons	$4.35	.275	.25			
Flat beds, dump and batch trucks, single axle	4.50	.275	.25			
Tandem trucks	4.55	.275	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	4.60	.275	.25			
Euclid, end and bottom dump, tournarocks, athoys, dumpsters and similar off-road equipment and mechanics on such equipment	4.70	.275	.25			
Watchmen or partsmen, mechanic helpers	4.60	.275	.25			
Servicemen	4.60	.275	.25			

Kansas Line Construction #1

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.40	.25	1%		1/2%	
Cable splicers	6.72	.25	1%		1/2%	
Groundman, over 1 year	4.04	.25	1%		1/2%	
Groundman, 1st year	3.19	.25	1%		1/2%	
Powderman	5.35	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.14	.25	1%		1/2%	
2nd year	4.92	.25	1%		1/2%	
Over 2 years experience	5.35	.25	1%		1/2%	

STATE: Kansas SUPERSEDEAS DECISION COUNTY: Shawnee
DECISION NO.: AP-501 DATE: Date of Publication
Supersedes Decision No. AM-7,718, dated November 19, 1971, in 36 FR 22101.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

10-Kansas-1-p (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
ASBESTOS WORKERS	$7.95	.30	.30		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.45	.275	.25			
CARPENTERS:						
Carpenters	6.55	.275	.25		.05	
Millwrights; Piledrivermen	6.925	.275	.25		.05	
CEMENT MASONS:						
Cement masons	6.70	.275	.25			
Machine operators	6.825	.275	.25			
Composition color or chloride additives	6.95	.275	.25			
ELECTRICIANS:						
Electricians	8.00	.25	1%+.30		2/10%	
Cable splicers	8.80	.25	1%+.30		2/10%	
ELEVATOR CONSTRUCTORS	7.57	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.49	.35	.20	5%+c	.01	
IRONWORKERS:						
Ornamental; Structural	8.50	.25	.25	.50	.05	
Reinforcing	8.50	.25	.25	.50	.05	
LABORERS:						
General laborer	5.65	.275	.25			
Power tool operators; Compactors; Concrete breakers; Chipping tools; Drilling tools; Concrete saws, Mechanically operated Georgia buggy	5.85	.275	.25			
Mason tenders; Morter mixers for masons and cement finishers; All stocking scaffold; Clean up for masons (building and wrecking)	6.00	.275	.25			
Plaster tenders	6.00	.275	.25			
Sand and concrete gun nozzlemen and powderman	6.05	.275	.25			
LATHERS	6.675		.20	.25		
PAINTERS:						
Brush; Drywall; Sanding; Taping	6.85	.275			.01	
Painting of structures over 50' (all types)	7.45	.275			.01	
Spray	7.75	.275			.01	
PLASTERERS	7.125				.01	
PLUMBERS; Steamfitters	8.45	.15	.20		.02	
ROOFERS:						
Flat, Slate & Tile; Dampproofers and Waterproofers	6.69	.10	.40			
Using Pitch	7.34	.10	.40			
SHEET METAL WORKERS	7.05	.15	.57	.57	.01	
SOFT FLOOR LAYERS	6.875	.275	.20	7%	.03	
SPRINKLER FITTERS	8.09	.25	.40		.05	

10-Kansas-1-p (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
TILE SETTERS	$6.30					
TILE SETTERS' HELPERS	4.50					
TRUCK DRIVERS:						
Light, Pickups, Station wagons	5.875	.275	.25			
Medium flat beds & dumps, 5 tons or less; Warehousemen & partsmen	5.975	.275	.25			
Trucks over 5 tons & semi-trailers	6.225	.275	.25			
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. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4%; of basic hourly rate.
b. Paid Holidays: A through F.
c. Paid Holidays: A through F, plus Friday after Thanksgiving Day.

Kansas Line Construction #1

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Lineman	$6.40	.25	1%		1/2%	
Cable splicers	6.72	.25	1%		1/2%	
Groundman, over 1 year	4.04	.25	1%		1/2%	
Groundman, 1st year	3.19	.25	1%		1/2%	
Powderman	5.35	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.14	.25	1%		1/2%	
2nd year	4.92	.25	1%		1/2%	
Over 2 years experience	5.35	.25	1%		1/2%	

Kansas 2 - PRO 1 -K

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Frankie-type pile driving machine; tower cranes and derricks; Boiler (2); boom cat, boring machine, ditching machine; concrete ready-mix plant; crane, truck crane, clamshell, dragline; dozer, scraper, all types, patrol; firemen (when operation steam or air valve); gradall; hi-loaders; hoist, two drum; locomotive; mechanic or welder; mixermobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material	$7.70	.25	.25	.50	.05	
GROUP II						
A-frame truck; barber-greene loader or similar type; boiler (1); ditching machine, small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom; pump, 4" or larger; small machine engineer; welding machine (1)	7.30	.25	.25	.50	.05	
GROUP III						
Farm tractor (without attachments); and oiler	6.50	.25	.25	.50	.05	
GROUP IV						
Crane, truck crane, clamshell, dragline; pile-driver operator & power shovel: 100 feet of boom or over (including jib); or 2 yard capacity or over	7.95	.25	.25	.50	.05	
Booms 200 feet and over	8.20	.25	.25	.50	.05	
Motor crane oiler	6.75	.25	.25	.50	.05	
Farm tractor with attachments	6.75	.25	.25	.50	.05	
Hoist, each additional drum over two--and additional .25¢						

Kan 1 Lab 2 - 3 - d

SITE PREPARATION & GRADING

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Board Mat Weavers & Cable Tiers; Georgie Buggies (manually operated); Mixerman no skip lift; Nailers; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 in.; All other Common Labor	$4.10	.175	.25			
Air Tool Operator; Cement Handlers, Bulk; Chain Saw; Georgie Buggies (mechanically operated); Grade men; Hot Mastic Kettleman; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper & Scale Man; Mixer Man; Pier Hole Man Working Hole 10 or more feet deep; Pipelayer, Drainage (concrete &/or corrugated metal.); Signal Man (crane); Truck Dumper, dry batch; Vibrator Operator; Wagon & Churn Drill Operator	4.25	.175	.25			
Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Materials (Handling &/or applying); Nozzle Burner (Cutting Torch)	4.35	.175	.25			
Conduit Pipe, Tile & Duct Line Setter; Form Setter & Liner on Concrete Paving; Powderman; Sandblasting & Gunnite Nozzle Men; Sanitary Sewer Pipe Layer	4.50	.175	.25			

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Site Preparation & Grading

Kansas 1 PEO 2 J (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Master Mechanic	$ 6.50	.25	.25	.25	.05	
Group I Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic): Crane, Truck Crane, Pitman Crane, Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	6.25	.25	.25	.25	.05	
Group II Asphalt Plant Operator; Elevating Grader Operator; Pushcat Operator	6.00	.25	.25	.25	.05	
Blades, all types; Dozer; Scoop Operator, all types	6.25	.25	.25	.25	.05	
Group III A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist - 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.	5.75	.25	.25	.25	.05	

AP-501 P. 6

SITE PREPARATION & GRADING

Kansas 1 PEO 2 J (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group III (Cont'd) Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booster & boiler; Towboat Operator; Vibrating Machine Operator, not hand	$ 5.75	.25	.25	.25	.05	
Group IV Concrete Gang Saw, self-propelled (concut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	5.40	.25	.25	.25	.05	
Group V Oiler, motor crane	5.50	.25	.25	.25	.05	

KAN - 1 - TD - 2 - K

SITE PREPARATION & GRADING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Pickups, panel trucks, station wagons	$ 4.42	.275	.25			
Flat beds, dump and batch trucks, single axle	4.57	.275	.25			
Tandem trucks	4.62	.275	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	4.67	.275	.25			
Euclid, end and bottom dump, tournarockers, athey's, dumpsters and similar off-road equipment and mechanics on such equipment	4.70	.275	.25			
Warehousemen or partsmen, mechanic helper	4.67	.275	.25			
Servicemen	4.67	.275	.25			

STATE: Kansas

COUNTIES: Douglas, Jefferson, Leavenworth, Miami, & Shawnee

DECISION NO: AP-502

DATE: Date of Publication

Supersedes Decision No. AM-3,621, dated August 25, 1971, in 36 FR 16839.

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN:						
Douglas & Shawnee Counties:						
Includes Forbes Air Force Base and within the city of Topeka and the city of Lawrence and within 3 miles of the city limits of these cities	$6.35	.275	.25		.05	
Remainder of Counties	5.95	.275	.25		.05	
Jefferson County	5.375	.275	.25		.05	
Leavenworth County	7.55	.23	.15		.04	
CARPENTERS (Miami County):						
Carpenters	7.175	.23	.15		.04	
Piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Leavenworth & Miami Counties	8.905	.20	.45	.50	.05	
Douglas & Shawnee Counties	6.70	.275	.25			
Jefferson County	6.40	.275	.25			
ELECTRICIANS:						
Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Townships)	7.95	.15	1%+.20	.70	.03	
Douglas, Jefferson, Miami, Shawnee, & the remainder of Leavenworth Counties	8.00	.25	1%+.30		2/10%	

Jefferson County

Kansas 2 Lab. 2 - 3 D.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Board Mat Weaver & Cable Tier; Carpenter Tender; Form Setter Helpers; Georgie Buggies (Manually operated); Mixerman, no skip lift; Nailer; Powderman Helpers; Salamander Tender; Track Men; Truck Dumper; Water Pumps up to 4 in.; All other construction & general Laborers	$3.80	.175	.25			
Air Tool Operator; Asphalt Raker & Ironer; Barco Tamper; Bricklayer Tender; Cement Handler, bulk; Chain Saw; Concrete Saw; Concrete Spreader; Crusher Feeder; Georgie Buggies (mechanically operated); Hot Mastic Kettleman; Material Batch Hopper & Scale Man; Mortar Mixers; Nozzle Burner (cutting torch); Signal Man (crane); Storm Sewer Pipe Layer; Tile Layer, Sewer; Vibrator Operator; Wagon & Churn Drill Operator; Wood-Concrete Block & Brick Setter	3.90	.175	.25			
Form Setter & Liner, Concrete Paving; Gunniting & Sand Blasting; Powderman; Rubbing of Concrete; Lead Pusher	4.05	.175	.25			

Shawnee County

Kan 1 Lab 2 - 3 - d

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Board Mat Weavers & Cable Tiers; Georgie Buggies (manually operated); Mixerman no skip lift; Nailers; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 in.; All other Common Labor	$4.10	.175	.25			
Air Tool Operator; Cement Handlers, Bulk; Chain Saw; Georgie Buggies (mechanically operated); Grade men; Hot Mastic Kettleman; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper & Scale Man; Mixer Man; Pier Hole Man Working Hole 10 or more feet deep; Pipelayer, Drainage (concrete &/or corrugated metal.); Signal Man (crane); Truck Dumper, dry batch; Vibrator Operator; Wagon & Churn Drill Operator	4.25	.175	.25			
Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Materials (Handling &/or applying); Nozzle Burner (Cutting Torch)	4.35	.175	.25			
Conduit Pipe, Tile & Duct Line Setter; Form Setter & Liner on Concrete Paving; Powderman; Sandblasting & Gunnite Nozzle Men; Sanitary Sewer Pipe Layer	4.50	.175	.25			

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Kansas - 3 - LAB - 2 - 3

Leavenworth County

LABORERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Board mat weaver & cable tier; carpenter tender; form setter helpers; Georgie Buggies (manually operated); mixerman, no skip lift; nailer; powderman helpers; salamander tender; track man; truck dumper; water pumps up to 4 inches; all other construction and general laborers	$3.60	.15	.20			
Air tool operator; asphalt raker & ironer; barco tamper; bricklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; Georgie Buggies (mechanically operated); hot mastic kettleman; material batch hopper & scale man; mortar mixers; nozzle burner (cutting torch); signal man (crane); storm sewer pipe layer; tile layer; sewer; vibrator operator; wagon & churn drill operator; wood concrete block & brick setter	3.75	.15	.20			
Form setter & liner; concrete paving; gunniting & sand blasting; powderman	3.85	.15	.20			

100 - Kansas TD 2, 3 d

Leavenworth County

TRUCK DRIVERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$7.39	.25	.50	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.25	.50	.50		
A Frame-Low Boy--Boom truck drivers	7.90	.25	.50	.50		
Mechanics & Welders	8.05	.25	.50	.50		
Mechanics' Helpers, Oilers & Greasers	7.165	.25	.50	.50		

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Van-6-LAB-2-3- d

Douglas County

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Mixerman, no skip lift; Nailers; Salamander tenders; Board mat weavers & cable tiers; Carpenters tenders; track men; Manually operated Georgia buggies; Water pumps up to 4 in.; All other Construction & General laborers	$4.10	.175	.25			
Air tool operator; Cement handler (bulk or sack); Chain saw; Concrete saw; Concrete puddler (mechanical tools); Mechanically operated Georgia Buggie; Material Patch hopper & scale man; Mixer man; Pier hole man working below ground (over 10 feet); Riprap pavers; Signalman; Vibrator operator Transmission lines; Wood-Concrete block & Brick setter; Handler of Creosote ties & materials; Swinging scaffolds supported by a non rigid member; All work in connection with Hydraulic or general dredging operations All work in connection with sewer, water drain, conduit pipe, tile & duct lines; Wire mesh setter (concrete paving); Crusher feeder	4.25	.175	.25			
Willow mat weaver; Nozzle burner (cutting torch); Hot mastic kettlemen; Asphalt Raker; Barco tamp operator	4.35	.175	.25			
Form setter & lines on concrete paving; Hand blade operator; Rubbing concrete; Steel paving form setter; Sand blasting & Gunite nozzle man; Powder man; Wagon & Churn nozzle man; drill operator; Air track drill operator	4.45	.175	.25			

Miami County	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Mixerman, no skip lift; nailers; Salamander Tenders; Board Mat Weavers & Cable tiers; Carpenters tenders; track men; Manually Operated Georgie Buggies, Water pumps up to 4 in.; All other construction & General laborers	$3.35	.175	.25			
Air tool operator; Cement handler (bulk or sack); Chain saw; concrete saw; concrete puddler (Mechanical Tools); Mechanically operated Georgie Buggies; Material Batch Hopper & Scale Man; Mixer Man; Pier Hole man working below ground (over 10 feet); Riprap pavers; Signal Man; Vibrator operator; Transmission lines; Wood-Concrete block & brick setter; Swinging scaffolds supported by a non rigid member; all work in connection with Hydraulic or General dredging operations; all work in connection with sewer, water, drainage; Conduits pipe, Tile & duct lines; Wire mesh setter (Concrete Paving); Crusher Feeder; Handler Cresote Ties & Materials	3.50	.175	.25			
Willow Mat Weavers; Nozzle Burners (cutting torch); Hot mastic kettlemen	3.65	.175	.25			
Asphalt raker; Barco tamp operator; form setter & liner on Concrete Paving; Hand blade operator; Rubbing concrete; Steel paving form setter; Wagon & Churn Drill operator; Air Ttack drill operator	3.80	.175	.25			

Jefferson & Miami Counties	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Class II						
Master Mechanic	$5.25	.25	.25		.05	
Group I						
Asphalt paver & spreader; back hoe; boring machine; clam shell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane-hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; ditching machine; Euclid loader; hoist-2 active drums; loader, all types; mechanic or welder; mixermobile; multi-unit scraper; pile driver operator; power shovel operator; Quad tract; sideboom cat-cherry picker; skimmer scoop operator	5.00	.25	.25		.05	
Group II						
Asphalt plant operator; elevating grader operator; pushcat operator	4.75	.25	.25		.05	
Bladas, all types; dozer; scoop operator, all types	5.00	.25	.25		.05	
Group III						
A-Frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; Barber-Green loader; boiler-other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator-concrete; Fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist-1 drum; Jeep ditching machine; pavement breaker; self propelled (of the Hydra hammer or similar type); pump operator, 4" or over, two pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self propelled roller operator, other than asphalt; Siphons & Jets; sub-grading machine operator; tank car heater operator, combination booser & boiler; towboat operator; vibrating machine, not hand	4.50	.25	.25		.05	
Group IV						
Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 H.P. or less without attachments	4.15	.25	.25		.05	
Group V						
Oiler, motor crane	4.25	.25	.25		.05	

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Leavenworth County

100 - KAN PEO 2 - 3 - h (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App. Tr.	Other
Group I Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2	$8.00	.40	.40	.50	.10	
Group II "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	7.75	.40	.40	.50	.10	
Group III Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	7.50	.40	.40	.50	.10	

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Leavenworth County

100 - KAN PEO 2 - 3 - h (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App. Tr.	Other
Group III (Cont'd) Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	7.50	.40	.40	.50	.10	
Group IV Mechanic's Helper; Oiler	7.25	.40	.40	.50	.10	
Clamshells, 3 yards or over	8.25	.40	.40	.50	.10	
Crane or Rigs, 80 feet of boom or over (including jib)	8.25	.40	.40	.50	.10	
Crane or Rigs 200 feet of boom or over	8.50	.40	.40	.50	.10	
Dragline, 3 yards or over	8.25	.40	.40	.50	.10	
Hoisting Engine - each additional drum over 1 drum	8.00	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yards or over	8.25	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

Kansas 1 PEO 2 J (1-2)

Douglas & Shawnee Counties

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Master Mechanic	$ 6.50	.25	.25	.25	.05	
Group I Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane, Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	6.25	.25	.25	.25	.05	
Group II Asphalt Plant Operator; Elevating Grader Operator; Pushcat Operator	6.00	.25	.25	.25	.05	
Blades, all types; Dozer; Scoop Operator, all types	6.25	.25	.25	.25	.05	
Group III A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist - 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.	5.75	.25	.25	.25	.05	

Kansas 1 PEO 2 J (2-2)

Douglas & Shawnee Counties

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group III (Cont'd) Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booster & boiler; Towboat Operator; Vibrating Machine Operator, not hand	$ 5.75	.25	.25	.25	.05
Group IV Concrete Gang Saw, self-propelled (concut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	5.40	.25	.25	.25	.05
Group V Oiler, motor crane	5.50	.25	.25	.25	.05

Kansas 1 TD 3 - I

Douglas & Jefferson Counties

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
TRUCK DRIVERS: Pickups, panel trucks, station wagons	$ 4.22	.275	.25			
Flat beds, dump and batch trucks single axle	4.37	.275	.25			
Tandem trucks	4.42	.275	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	4.47	.275	.25			
Euclid, end and bottom dump, tournarockers, athleys, dumpsters and similar off-road equipment and mechanics on such equipment	4.65	.275	.25			
Watchmen or partsmen, mechanic helpers, Servicemen	4.47	.275	.25			

AP-502 P. 11 KAN - 2 - TD - 3 - k

Shawnee County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Pick-ups, panel trucks, station wagons	4.37	.275	.25			
Flat beds, dump and batch trucks, single axle	4.52	.275	.25			
Tandem trucks	4.57	.275	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle)						
A-frame and winch trucks when used as such	4.62	.275	.25			
Euclid, end and bottom dump, tournarockers, athey's, dumptors and similar off-road equipment and mechanics on such equipment	4.65	.275	.25			
Watchmen or partsmen, mechanic helpers; Servicemen	4.62	.275	.25			

11 - Kansas TD 2 k

Miami County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Flat bed drivers	$5.50	.25	.25	.50		
Station wagons	5.50	.25	.25	.50		
Pickup trucks	5.50	.25	.25	.50		
Material trucks	5.50	.25	.25	.50		
Material trucks tandem	5.50	.25	.25	.50		
Semi-trailers	5.50	.25	.25	.50		
Winch trucks	5.50	.25	.25	.50		
Distributor drivers and operators	5.50	.25	.25	.50		
Agitator and transit-mix	5.50	.25	.25	.50		
Tank wagon drivers, single axle	5.50	.25	.25	.50		
Insley wagon dump trucks; dumpsters; half-tracks; speedace; euclids and other similar equipment	5.50	.25	.25	.50		
Derrick trucks	5.50	.25	.25	.50		
A-frame driver	5.50	.25	.25	.50		
Float or lowboy driver	5.50	.25	.25	.50		
Mechanics	5.50	.25	.25	.50		
Mechanics helper, oilers and greasers	5.50	.25	.25	.50		

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Kansas Line Construction #1

"Douglas, Jefferson, Miami, Shawnee, & Southwest 2/3 of Leavenworth Counties"

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$6.40	.25	1%		1/2%	
Cable splicers	6.72	.25	1%		1/2%	
Groundman, over 1 year	4.04	.25	1%		1/2%	
Groundman, 1st year	3.19	.25	1%		1/2%	
Powderman	5.35	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.14	.25	1%		1/2%	
2nd year	4.92	.25	1%		1/2%	
Over 2 years experience	5.35	.25	1%		1/2%	

Kansas Line Construction #2

"Remainder of Leavenworth County"

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$5.76	.15	1%+.15		1/2%	
Lineman operator	6.35	.15	1%+.15		1/2%	
Lineman mechanic	5.39	.15	1%+.15		1/2%	
Groundman powderman	4.59	.15	1%+.15		1/2%	
Groundman	4.29	.15	1%+.15		1/2%	
Groundman (1st year)	3.52	.15	1%+.15		1/2%	

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NO.: AP-8 DATE: Date of Publication
Supersedes Decision No. AM-8626 dated June 30, 1972 in 37 FR 13029.
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	$8.25	.40	.275		.05	
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
Bricklayers	8.70	.25	.45		.03	
Stonemasons	8.70	.25	.45		.03	
Carpenters: (Bldg., Heavy & Highway)						
Carpenters	7.65	.30	.625		.08	
Millwrights	7.65	.30	.625		.08	
Piledrivermen	7.65	.30	.625		.08	
Cement masons:						
Building	8.90	.45	.35		.01	
Heavy & highway	8.90	.45	.35	.10	.01	
Slip form & swing scaffold work	9.15	.45	.35		.01	
Electricians	8.65	4⅓%	3⅓%		½%	
Elevator constructors	8.75	.195	.20	2%+a+b	.005	
Elevator constructors' helpers	6.125	.195	.20	2%+a+b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers:						
Structural & reinforcing	9.21	.59	.74		.05	
Ornamental	9.375	.25	.325		.05	
Riggers, machinery movers	6.00	.25	.275		.05	
Lathers	7.11	.26	.20			
Lead burners	6.90	.30		c	.01	
Line construction:						
Linemen	8.50	4%	1%+3%	7½%	½%	
Linemen's helpers	6.75	4%	1%+3%	7½%	½%	
Marble setters	8.20	.30				
Marble setters' helpers	7.30					
Painters:						
Brush	7.75	.325	.20			
Sign	5.685	.20	.10	d&e		
Sign & pictorial helper	4.935	.20	.10	d&e		
Decorators, paperhangers & tapers	7.75	.325	.20			
Pipefitters	9.00	.47	.50		.02	
Plasterers	8.395	.40	.25		.045	
Plumbers	8.75	.40	.30		.05	
Pointers, caulkers & cleaners	6.90	.35	.30			
Roofers:						
Composition & waterproofers	8.60	.30	.15		.02	
Slate & tile	8.22	.18	.15		.02	
Sheet metal workers	8.15	.35	.34		.01	
Soft floor layers - resilient floor layers	7.65	.30	.625			
Sprinkler fitters	8.70	.16	.40		.09	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Survey Crew:						
Rodman	5.70	.20	.15			
Instrument man	6.80	.20	.15			
Terrazzo workers	7.50					
Terrazzo workers' helper & floor machine	6.85					
Base machine operator	7.10					
Tile setters	7.75	.30-5/8	.325			
Tile setters' helpers	6.80	.30-5/8	.325			
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, 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.

d. One (1) week paid vacation after 1 year's employment; two (2) weeks after 3 years's; and 3 weeks after 10 years.

e. Holidays: A through F and the day after Thanksgiving, one-half day Christmas Eve & one-half day Good Friday.

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Laborers :	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C·
Building; Heavy & Highway Construction:						
Common laborers	$6.15	.32	.40			
Boiler setters' laborers, cement gun laborers	6.225	.32	.40			
Chimney laborers (over 40') scaffold	6.25	.32	.40			
Plasterers laborers	6.175	.32	.40			
Windlass, Cement gun nozzle laborers	6.30	.32	.40			
Stone handlers, derrickmen, boiler setter plastic	6.35	.32	.40			
Jackhammermen	6.375	.32	.40			
Caisson digger	6.50	.32	.40			
Jackhammermen (asphalt)	6.425	.32	.40			
Tunnel Work, Rock or Clay:						
Dump men, top laborers	6.95	.32	.40			
Cage tenders, skinners, switchmen, truck layers	5.975	.32	.40			
Car pusher, concrete laborers, grout machine op., steel setters & tuggers						
grout laborers	6.075	.32	.40			
Signal men	6.10	.32	.40			
Pebble placer op., mortarmen muckers	6.175	.32	.40			
Air hoist op., bricklayers tender, cement (invert) laborer, concrete blower op., driller for blasting, dynamiters, erector ops., form men, lock tenders, miners, power knife op., jackhammermen, keyboard op.	6.30	.32	.40			
Sewer, subway, drain, water service:						
Common laborers, top laborers	5.95	.32	.40			
Cement carriers, cement mixers, mortar men, scaffoldmen, second bottom men	6.175	.32	.40			
Bottom men, bricklayers tenders, catch basin jiggers & rodders, form men, jackhammermen, pipelayers, well point system	6.40	.32	.40			
Street paving, grade separation, plant - ing, grading and lancscaping:						
Laborers and helpers	6.25	.32	.40			
Form setters on pavement work, Jackhammermen (concrete)	6.375	.32	.40			
Tampers and smoothers	6.225	.32	.40			
Rakers, lutemen, kettlemen, mixer-men, drummen, jackhammermen (asphalt)	6.425	.32	.40			
Wrecking Laborers:						
Brick cleaners	2.80	.32	.40			
General Laborers	4.77	.32	.40			
Wrecking laborers, wallmen, burners & jackhammermen	5.17	.32	.40			
Smoke stack or highmen	5.52	.32	.40			

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BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
CLASS I						
Mechanic, Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (Requires Two Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant, Combination Back Hoe Front Endloader Machine, Compressor & Throttle Valve, Concrete Breaker (Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Paver 27E cu. ft. and under, Concrete Placer, Concrete Tower, Cranes, (all), Cranes Hammerhead, Derrricks, (all), Derricks, Traveling, Grader, Elevating Grouting Machines, Highlift Shovels or Front Endloader 2¼ yd. & over, Hoists, 1, 2 and 3 Drum, Hoists, 2 Tugger one floor, Hydraulic Boom Trucks, Locomotives, (all) Motor Patrol, Piledrivers & Skid Rig, Post Hole Digger, Pre-Stress Machine, Pump Cretes: squeeze cretes-screw type pumps, Gypsum Bulker & pump, Rock Drill (Self-Propelled) Rock Drill (Truck Mounted) Scoops-Tractor Drawn-Slip-Form Paver, Straddle Buggies, Tournapull, Tractor w/boom, & Side Boom, Trenching Machines.	$8.65	.30	.40	.20	.02	
CLASS II						
Boilers, Bulldozers, Broom, All Power Propelled, Concrete Mixer (2 Bag & over) Conveyor, Portable, Forklift trucks, Greaser Engineer, Highlift Shovels or Front Endloaders under 2¼ yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (all) Steam Generators Stone Crushers, Tractors (all) Winch Trucks with "A" Frame	7.60	.30	.40	.20	.02	
CLASS III						
Air Compressor - small 125 & under (1 to 5 not to exceed a total of 300 ft.), Air Compressor - large over 125 Combination - small equipment operator Generators - small 50kw & under						

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POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS III (CONT'D)						
Generators - large over 50kw, Heaters, Mechanical, Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points, Welding Machines (2 through 5) Winches, h small electric drill winches	$6.80	.30	.40	.20	.02	
CLASS IV						
Oilers	5.75	.30	.40	.20	.02	

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HEAVY, SEWER & HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
CLASS I:						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, all, derrick boats, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, grader, elevating, hoists, one, two & three drum, locomotive, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (reguiring frequent lubrication & water), rock drill - crane type, slip form paver, straddle buggies, tractor with boom, tractaire - with attachments, trenching machines, underground boring &/or mining machines 5 ft. in diameter & over tunnel, etc, underground boring &/or mining machine under 5 ft., wheel excavator, widener (Apsco)	$9.00	.30	.40	.10	.02	
CLASS II:						
Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver 7s series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine - concrete, grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky,						

POWER EQUIPMENT OPERATORS (CONT'D):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
pump cretes: Squeeze cretes - screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc., self-propelled scoops - tractor drawn, self-propelled compactor, spreader - chip - stone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc, tug boats	8.50	.30	.40	.10	.02	
CLASS III:						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper - form - motor driven	7.80	.30	.40	.10	.02	
CLASS IV:						
Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6),	7.00	.30	.40	.10	.02	
CLASS V:						
Oilers	6.00	.30	.40	.10	.02	

TRUCK DRIVERS: BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
4 & 6 wheel trucks, supply truck (loading & unloading, truck crane, 4 & 6 wheel batch, grease trucks, & dinky drivers	$5.05	.19	a10.00	b & c		
4 & 6 wheel trucks hauling over 20 tons, semi-trailer dump & semi flat bed	5.50	.19	a10.00	b & c		
Carry-alls & low boys	5.35	.19	a10.00	b & c		
Winch trucks, & "A" frames when used for transportation	5.15	.19	a10.00	b & c		
Fork lift & hoisters	5.45	.19	a10.00	b & c		
Power broom	5.25	.19	a10.00	b & c		
Driver & rear end man on slurry trucks	5.30	.19	a10.00	b & c		
Ready-mix concrete trucks hauling 9 yards or less	5.24	.19	a10.00	b & c		
Ready-mix concrete trucks hauling over 9 yards up to & including 13 yards	5.32	.19	a10.00	b & c		
Ready-mix concrete trucks hauling over 13 yards & ready-mix concrete semi-trailer trucks	5.37	.19	a10.00	b & c		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a-Per Week
b-One week paid vacation after one year of 1000 hours or more; two weeks paid vacation after 2 preceding consecutive years of 1000 hours or more; three weeks paid vacation after 11 preceding consecutive years of 1000 hours or more.
c-Six (6) Paid Holidays: A-B-C-D-E&F providing employee earned a vacation the previous year with the same employer and worked the scheduled work day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-& 6-wheel trucks, dinky, drivers, supply truck driver loading and, unloading, drivers on truck cranes	$5.05	.20	.25	a + b		
Drivers on 4 & 6 wheel truck over 20 tons	5.50	.20	.25	a + b		
Drivers on semitrailer dump trucks	5.50	.20	.25	a + b		
Drivers on semi-flatbed & lowboys	5.35	.20	.25	a + b		
Drivers on winch trucks	5.15	.20	.25	a + b		
Dumpsters, track truck, Euclid, bug bottom dumps, Tournatractors, Tournapulls when pulling other than self-loading equipment:						
Under 20 tons	5.45	.20	.25	a + b		
Over 20 tons	5.60	.20	.25	a + b		
Distributors - 1 man operation	5.65	.20	.25	a + b		
Distributors - 2 man operation	5.30	.20	.25	a + b		
Liquid asphalt trucks	5.30	.20	.25	a + b		
Fork lift & hoisters	5.45	.20	.25	a + b		
Power broom	5.25	.20	.25	a + b		
"A" frame truck when used for transportation	5.15	.20	.25	a + b		
Driver & rear end man on slurry trucks	5.30	.20	.25	a + b		
Driver on grease truck	5.05	.20	.25	a + b		

Paid Holidays: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a - Holidays: A, B, C, D, E & F provided employee earned a vacation the previous year with the same employer, worked at least 1 day in the holiday week, and worked the scheduled work day before and after the holiday.

b - Any employee having worked for the same employer shall be entitled to: 1 week paid vacation after 1 year of 1000 hours; 2 weeks paid vacation after 3 consecutive years of 1000 hours or more; 3 weeks paid vacation after 12 consecutive years of 1000 hours or more.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$7.70	.35	.35	a		
Tool Dresser, Helper	7.30	.35	.35	a		

FOOTNOTE:

a. Six (6) paid Holidays: New Year's Memorial Day; Independence Day; Labor Day; Thankgiving Day; Christmas Day.

SUPERSEDEAS DECISION

STATE: Illinois
COUNTY: Champaign
DECISION NO.: AP-9
DATE: Date of Publication
Supersedes Decision No. AM-329 dated August 13, 1971 in 36 FR 15151.
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.	Other
Asbestos workers	$8.50	.20	.20		.02	
Boilermakers	7.15	.40	.65		.01	
Bricklayers & Stonemasons	7.25	.125			.02	
Carpenters (Bldg.)	7.71	.30	.45		.08	
Carpenters (Hvy. & Hwy.)	7.15	.25	.40		.05	
Cement masons:						
Building	7.575	.25			.025	
Heavy & highway	6.95	.175				
Electricians	7.80	.20	1%		.2%	
Elevator constructors	7.385	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	5.17	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.40	.25				
Ironworkers:						
Structural	7.60	.25			.01	
Ornamental	7.60	.25			.01	
Reinforcing	7.60	.25			.01	
Laborers (Building)	5.35	.125			.02	
Laborers: (Heavy & Highway)						
Laborers, unskilled	6.55	.25	.30		.035	
Laborers, semiskilled	6.70	.25	.30		.035	
Jackhammers, gunnite nozzlemen and bricklayers' tenders	6.75	.25	.30		.035	
Sewer construction:						
Tunnel miners	6.95	.25	.30		.035	
Muckers	6.95	.25	.30		.035	
Bottom men	6.95	.25	.30		.035	
Lathers	7.365	.175	.20		.01	
Lead burners	6.90	.30		c	.01	
Line Construction:						
Linemen	7.95	.25	1%		.25%	
Groundmen - Class "A"	5.03	.25	1%		.25%	
Groundmen equipment op., Class 1 (all crawler type equipment larger than D4)	7.43	.25	1%		.25%	
Groundmen Truck driver w/winch (diggers, 5th wheel type trucks & crawler type equipment, D4 & smaller)	5.53	.25	1%		.25%	
Groundmen truck drivers (without winch)	5.28	.25	1%		.25%	
Marble masons	6.65					
Marble masons' helpers	5.575					
Millwrights (Bldg.)	8.06	.30	.45		.08	
Millwrights (Hvy. & Hwy.)	7.40	.25	.40		.05	
Painters (Brush)	7.35	.25	.20		.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Piledrivermen (Bldg.)	8.06	.30	.45		.08	
Piledrivermen (Hvy. & Hwy.)	7.15	.25	.40		.05	
Plasterers	5.20	.125				
Plumbers & Steamfitters	6.65	.25	.25	.25	.12	
Sheet metal workers	6.225	.25	.175	.65		
Soft floor layers	7.71	.30	.45		.08	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	6.65					
Terrazzo workers' helpers	5.575					
Tile layers	6.65					
Tile layers' helpers	5.575					
Roofers:						
Composite	6.90	.20	.10	.50		
Slate & Tile	7.15	.20	.10	.50		
Helpers	80% JR					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, 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.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS I:						
Utility Operator	$8.135	.25	.35		.05	
CLASS II:						
Power Cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor highlift shovel, fork lifts, tournadozer, mixer over 14-s capacity, tournamizer, two drum machine or two cage hoists, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam and brick surface, ross carrier or similar machine, gravel processing machine, asphalt plant engineer or pug mill, two (2) Air Compressors, hetherington Paver Operator, farm tractor with half yard bucket and/or back hoe attachment, Tench machines cutting over 24", Dredging equipment, central mix plant engineer, CMI or similar type machine, concrete spreader	$7.60	.25	.35		.05	
CLASS III:						
Air compressors 200 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, euclid loader, soil cement machine, mixer 14-S capacity or less, tench machine cutting 24" and under, Back filler, Elevating machine, Power blade, asphalt plant engineer, well drilling machines, paint machine, pine cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, Boring machine, Tractors winch, head equipment greasers, barger green loaders, formless paver, farm tractor with less than half yard bucket and other attachments except back hoe, well point system	7.30	.25	.35		.05	

POWER EQUIPMENT OPERATORS (Continued):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Subgrader, Bull float, Form grader, Finishing machine, Pavement breaker, Rock crushers	$6.825	.25	.35		.05	
CLASS IV:						
One drum machine, Air compressor less than 200 cu. ft. capacity, Concrete pump, Gunite machine, Air tuggers, Truck crane drivers, House elevators when used for hoisting material, Two to Four generators or welding machine, Mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, engine tenders, fireman, wagon drill, Flexplane, Conveyor, Two to four water pumps, siphon and pulsometer, Switchman, fireman on paint pots, Firemen on asphalt plants, distributor operator on trucks, tampers, power boom, post hole digger, self-propelled concrete saw, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser	6.40	.25	.35		.05	
CLASS V:						
Track jack, Mud jack, Operators to do winter repair work in shop between November 1st and March 1st, Concrete buggies motor driven oilers, Barrel type mixer, one welding machine or one water pump, Apprentice engineers, air valves or steam valves from plant	6.00	.25	.35		.05	

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor High-lift, Touradozer, Concrete mixers with skep, Tournamixer, two-drum machine, One Drum hoist with Tower or boom, Cable ways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor with half yard Bucket and/or Back Hoe Attachment, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Air Compressor 600 feet or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines including well testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Road Equipment Greaser), Barber Greene Loaders, Nomaless Paver, (Well Point System) Concrete Spreader	$6.55	.25	.25		.05	

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POWER EQUIPMENT OPS. (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Sub Grader, Bull Float, Form Grader, Finishing Machine, Concrete Mixers w/o Skips, Self Propelled Pavement Breaker, Rock Crusher, Ditching Machine under 6'', Curbing Machine, Truck Crane Oiler-Driver, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, 2 to 4 Generators, Water Pumps, or Welding Machines, or Air Compressor 300 cu. feet or under, within 400 feet, rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Black Top Curb Machine, Farm Tractor with less than half yard Bucket	$6.42	.25	.25		.05	
One Water Pump, Oilers, Air Valves or Stemm Valves, One Welding Machine, Truck Jack, Mud Jack, Air Compressor less than 300 cu. ft., Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hand	4.87	.25	.25		.05	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS-Building, Heavy & Highway Construction:					
GROUP I					
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.35	.35	a		
GROUP II					
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batches	6.55	.35	a		
GROUP III					
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors	6.75	.35	a		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd):					
GROUP IV					
Drivers on heavy equipment over 16 cu. y yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.95	.35	a		

FOOTNOTES:

a. Employer contributes $10.00 per week per each employee.

SUPERSEDEAS DECISION

AP-212 P. 2

STATE: Iowa
DECISION NUMBER: AP-212
Supersedes Decision #AM-2,453, dated August 25, 1971, in 36 FR 16813
COUNTY: Linn (City of Cedar Rapids and abutting municipalities)
DATE: Date of Publication
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	7.25	.25	.25		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.00					
CARPENTERS:						
Carpenters	6.47	.25			.02	
Millwrights; Piledrivermen	6.82	.25			.02	
CEMENT MASONS	6.26	.21				
ELECTRICIANS	7.55	.18	1%	6%	1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.63	.15	.30	.2748		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.40					
LABORERS:						
Common laborers	4.73	.10	.15			
All water service; Mortar mixers; Sewer tile layers	4.855	.10	.15			
Air, electric or gasoline powered jackhammers; Chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	4.93	.10	.15			
Plasterers' hod carriers & tenders	5.35	.10	.15			
LATHERS	5.30					
PAINTERS:						
Brush	6.30					
Paperhangers; Structural steel; Swing stage to 55'	6.55					
Spray	6.95					
PLASTERERS	6.90					
PLUMBERS; Steamfitters	6.85	.20	.30		.01	
ROOFERS	5.95					
SHEET METAL WORKERS	5.15					
SOFT FLOOR LAYERS	6.47	.25			.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.73					

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six 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

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
GROUP I MASTER MECHANIC	7.225	.30	.30		.01	
GROUP II AIR & ELECTRIC TUGGERS; Boom & crane trucks; Bulldozers; Cableways; Clamshells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiffleg & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.725	.30	.30		.01	
GROUP III AIR COMPRESSORS (500' & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc.; Forklifts (other than described above); Gunnite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.425	.30	.30		.01	
GROUP IV AIR COMPRESSORS (less than 500'); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	6.125	.30	.30		.01	

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
FIREMAN ON MECHANICAL HEATERS	5.925	.30	.30		.01	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS; Piledrivermen	$ 5.95	.21				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	5.30	.15	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	5.05	.15	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.80	.15	.10			
Form tamper; Air, gas & electric tool op., vibrator; Barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	4.65	.15	.10			

HEAVY AND HIGHWAY CONSTRUCTION (CONT.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen, tending to carpenters; Hot asphalt labor; Stringman on paving work	4.55	.15	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (1/2 cy. & over); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman; Concrete Mixer, Paver; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	6.05	.30	.30		.01	
Asphalt plant; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull; DW 10 & all similar equipment, over 10 cy struck cap; All self-loading scrapers; Tractors, Bulldozers; Push cats or Pulling scraper or Rooter; Sideboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy); Asphalt spreader; Group equipment greaser; Automatic sub-grade machine; Slip form paving	5.90	.30	.30		.01	
Motor patrol (other than finish); Asphalt roller (high type surfacing); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul;						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10 & all similar equipment under 10 cy struck cap; Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P & H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Asphalt Paver; Backhoe under 3/8 cy	5.65	.30	.30		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader, concrete; Tank Car heater (combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other); Pumps on well points & deep wells for dewatering; mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Motor crane combination driver & oiler; Concrete curing machine	5.45	.30	.30		.01	
Boiler (single); Apprentice engineer or oil or mechanics' helper or Group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck	5.25	.30	.30		.01	
Batching plant (dry); Front end loader, rubbertired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller	4.95	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwise specified); Warehousemen; Drivers on; 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.75	.15				

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Semi & tandem; Ready mix; Dumpster; Tandem axle service; Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation; Drivers on pavement breakers, pole trailers or air compressors and welding machines, including those pulled by separate units	4.85	.15				

SUPERSEDEAS DECISION

STATE: Iowa
DECISION NUMBER: AP-214
Supersedes Decision #AM-2,454, dated August 25, 1971, in 36 FR 16816
COUNTY: Polk (City of Des Moines and abutting municipalities)
DATE: Date of Publication

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.	Other
ASBESTOS WORKERS	$ 8.025	.35	.25			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS; HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.625	.325				
CARPENTERS:						
Carpenters	6.80	.20	.15		.01	
Millwrights; Piledrivermen	7.05	.20	.15		.01	
CEMENT MASONS:						
Cement Masons	6.925					
Hanging, traveling scaffold slip form work mach. travel; Float operator; Color work	7.05					
ELECTRICIANS	7.90	.20	1%		1%	
ELEVATOR CONSTRUCTORS	6.36	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.32		.20	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.71	.185	.50		.02	
LABORERS:						
General Laborers	5.91	.275	.275			
Mortar mixers; Motor buggies, when pouring concrete; Power tool ops. (Air tools, concrete vibrator, gunnite, nozzlemen, electric drills & hammers)	6.01	.275	.275			
Plasterers tenders	6.035	.275	.275			
Powder men	6.06	.275	.275			
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	6.11	.275	.275			
All tunnel work	6.16	.275	.275			
Paving breakers weighing 50 lbs. and over	6.21	.275	.275			
LATHERS	7.10					
PAINTERS:						
Brush; Roller; Drywall finisher	6.845				.02	
Paperhangers	7.095				.02	
Spray; Structural steel; Sandblasting	7.345				.02	
Stack; Tower work over 100'	7.945				.02	
PLASTERERS	7.00					
PLUMBERS; Steamfitters	7.49	.30	.20		.05	
ROOFERS	6.525					
SHEET METAL WORKERS	7.495	.25	.20		.05	
SPRINKLER FITTERS	8.00	.25	.40		.05	

BUILDING CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS	5.91					

FOOTNOTE:

a. Employer contributes 4% of 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.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ATHEY; Barber Green; Euclid or Haiss loaders; Scoopmobile, when operated on project site; Cranes; Shovels; Draglines; Clamshells; Backhoes; Cableways; Derricks; Hoist, single drum, hauling men; Hoist, on steel, stone or concrete bucket; Dual drum paver; Paving mixer 21E to 24E; Paving mixer with tower attached; Mixer plants, stationary, portable and floating; Mixermobile; Frontend loader; Hi-lifts; Boom tractors; Boom or winch truck; Asphalt mixer plant engineer; Dipper dredge; Dipper dredge cranesman; Leverman; Engineman; Hydraulic dredges; Piledriver; Building hoist with two active drums; Mechanic & welders; Hot paint wrapping machine; Cleaning & priming machine; Locomotive engineers; Trenching machine; Backfiller & all similar machines; Bulldozers; Scoop or scraper; Motor patrol; Pushcat; Tractor with power takeoff; DW 10's and 20's; LeTourneaupul & similar equipment; Elevating graders	$ 6.75	.30	.30		.01	
GROUP II						
ASPHALT PUGMILL; Barber Green Jauger & similar asphalt spreading; Rollers on asphalt, blacktop; Air compressors, over 250 cu. ft.; Concrete mixer, under 21E; Concrete pump; Concrete spreader; Concrete finishing machine on forms; Boat op.; Forklift; Tractor; Power blade; Power sub-grader on forms; Group equipment greaser; Tractor pulling elevating grader; Ross carrier; Hyster winch & similar machine; Pump or pumps over 3 inches in diameter; Single drum hoist, material only; Automatic hoist; Elevators permanent or temporary, used for hoisting material, lowering debris or carrying workmen from floor to floor; Locomotive firemen; Firing two boilers	6.525	.30	.30		.01	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
AIR COMPRESSORS, 250 cu. ft. & under; Pumps 3 inches in diameter or under; Two or more gas driven welding machines; Mechanical heater; Conveyor; Concrete saw with seat; Firemen on crane or piledriver; Distributor; Screed	$ 6.10	.30	.30		.01	
GROUP IV						
OILER	6.00	.30	.30		.01	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$ 5.95	.21				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	5.30	.15	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	5.05	.15	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.80	.15	.10			
Form tamper; Air, gas & electric tool op., vibrator; Barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	4.65	.15	.10			

HEAVY AND HIGHWAY CONSTRUCTION (CONT.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen, tending to carpenters; Hot asphalt labor; Stringman on paving work	4.55	.15	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (1/2 cy. & over); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman; Concrete Mixer, Paver; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	6.05	.30	.30		.01	
Asphalt plant; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull; DW 10 & all similar equipment, over 10 cy struck cap; All self-loading scrapers; Tractors, Bulldozers; Push cats or Pulling scraper or Rooter; Sideboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy); Asphalt spreader; Group equipment greaser; Automatic sub-grade machine; Slip form paving	5.90	.30	.30		.01	
Motor patrol (other than finish); Asphalt roller (high type surfacing); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul;						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10 & all similar equipment under 10 cy struck cap; Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P & H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Asphalt Paver; Backhoe under 3/8 cy	5.65	.30	.30		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader, concrete; Tank Car heater (combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other); Pumps on well points & deep wells for dewatering; mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Motor crane combination driver & oiler; Concrete curing machine	5.45	.30	.30		.01	
Boiler (single); Apprentice engineer or oil or mechanics' helper or Group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck	5.25	.30	.30		.01	
Batching plant (dry); Front end loader, rubbertired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller	4.95	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwise specified); Warehousemen; Drivers on; 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.75	.15				

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Semi & tandem; Ready mix; Dumpster; Tandem axle service; Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation; Drivers on pavement breakers, pole trailers or air compressors and welding machines, including those pulled by separate units	4.85	.15				

SUPERSEDEAS DECISION

STATE: Nevada
COUNTIES: Churchill, Mineral, and Washoe
DECISION NO.: AP-216
DATE: Date of Publication
Supersedes Decision Nos. AM-2533 dated September 3, 1971 in 36 FR 17780; AM-2534 dated September 3, 1971 in 36 FR 17791; and AM-2535 dated September 3, 1971 in 36 FR 17796.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	8.87	.40	.35	.90	.04	
BOILERMAKERS	7.20	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
ZONE A: Within 15 mi. radius of court house in Reno	7.60	.30			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	7.95	.30			.01	
ZONE C: Within 35 to 75 mi. radius of court house in Reno	8.35	.30			.01	
BRICK TENDERS:						
ZONE A: 0-15 mi. from court house in Reno	6.20	.40	.30			
ZONE B: 15-35 mi. from court house in Reno	6.51	.40	.30			
ZONE C: 35-75 mi. from court house in Reno	6.86	.40	.30			
CARPENTERS:						
Churchill & Mineral Counties						
Carpenters	6.25	.40	.50	.70	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.40	.40	.50	.70	.03	
Millwrights	6.55	.40	.50	.70	.03	
Washoe County						
Carpenters	6.10	.45	.60	.80	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.25	.45	.60	.80	.03	
Millwrights	6.40	.45	.60	.80	.03	
CEMENT MASONS:						
Cement Masons	6.70	.45	.35	.60	.01	
Magnesite Composition; Mastic Trowelling Machine	6.95	.45	.35	.60	.01	
ELECTRICIANS:						
Electricians	8.04	.33	1% + .25		.01	
Cable Splicers	8.84	.33	1% + .25		.01	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.605	.15	.25	8%		
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
LATHERS	6.46	.20	.10		.01	
PAINTERS:						
Brush	5.85	.20	.20	.40		
Spray; Structural Steel	6.10	.20	.20	.40		
PLASTERERS	$7.00	.45	.40		15.00p/y	
PLASTERERS' TENDERS:						
Zone A: Less than 75 mi. from Reno	6.25	.40	.30			
Zone B: Over 75 mi. from Reno	6.375	.40	.30			
Working on Hardwall Gun (except light texture mixture):						
Zone A: Less than 75 mi. from Reno	6.50	.40	.30			
Zone B: Over 75 mi. from Reno	6.625	.40	.30			
PLUMBERS; Steamfitters; Sprinkler Fitters	7.85	.30	.60	1.55	.07	
ROOFERS	7.70	.25	.05		.02	
SHEET METAL WORKERS	7.90	.59	.90	10%	.02	
SOFT FLOOR LAYERS	6.27	.20	.20	.40		
TILE SETTERS:						
Zone A: Within 15 mi. radius of court house in Reno	7.60	.30			.01	
Zone B: Within 15 to 35 mi. radius of court house in Reno	7.95	.30			.01	
Zone C: Within 35 to 75 mi. radius of court house in Reno	8.35	.30			.01	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP I						
Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under ½ yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Handguided lagging hammer; Curbing or Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic workers (wet or dry); Pipe wrapper, Kettleman, Potman, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group V; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Rirrap-Stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$5.75	.40	.30			
GROUP II						
Choker Setter or Rigger (clearing work only) Pittsburg Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-Skilled wreckers (salvaging of building materials other than those listed in Group I)	5.60	.40	.30			

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP III						
All cleanup work of debris, grounds, and building including windows & tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardners and Landscape Laborers; Limber, Brushloader and Piler	$5.50	.40	.30			
GROUP IV						
Burning and Welding in connection with laborers work	5.85	.40	.30			
GROUP V						
Joy Drill Model TWM-2A, Gardner Denver Model DN143 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty Vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Sewerline, Gasline, Conduit; Asphalt Rakers	6.00	.40	.30			
GROUP VI						
Nozzleman, Rodman	6.30	.40	.30			
Gunman, Materialman	6.00	.40	.30			
Reboundman	5.65	.40	.30			

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TUNNEL LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew-includes rodding & spreading; Grout Crew incl. Headerman & Potman; Reboundmen	5.30	.40	.30			
NIPPER; Chuck Tenders & Cable Tenders; Powderman-Primer House; Steel Form Raisers & Setters; Vibratormen, Pavement Breakers	5.40	.40	.30			
GROUT GUNMEN; Jetgunmen; Gunmen	5.55	.40	.30			
MINERS-TUNNEL, incl. Top & Bottom man on Shaft & Raise Work; Timbermen, Retimberman-Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen-in heading; Cherry Pickerman-where car is lifted; Nozzleman on slick line; Sand Blaster-Potman (work assignment interchangeable)	5.60	.40	.30			
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunite Nozzelmen; Rodmen; Groundmen	5.90	.40	.30			
SHIFTERS	6.15	.40	.30			
SHAFT WORK & Raise-Shifters	6.45	.40	.30			

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AREA 1*	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
GROUP I						
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.24	.50	.75	.55	.26	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.53	.50	.75	.55	.26	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	6.68	.50	.75	.55	.26	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.08	.50	.75	.55	.26	
GROUP V						
CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.24	.50	.75	.55	.26	

AREA 1* POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP VI						
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors	7.33	.50	.75	.55	.26	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device;						

AREA 1* POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP VII (Cont'd)						
Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.47	.50	.75	.55	.26	
GROUP VIII						
ASPHALT PLANT ENGINEER; CAR PASER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck," M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	7.76	.50	.75	.55	.26	
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Rubber-tired Scraper, Self Loading; Sub-Grader (Gurries or other types);	7.93	.50	.75	.55	.26	

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP X						
BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)	8.11	.50	.75	.55	.26	
GROUP XI						
AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem						

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI (Cont'd)						
Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)	8.33	.50	.75	.55	.26	
GROUP XI-A						
BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	9.15	.50	.75	.55	.26	

AREA 2**

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	7.24	.50	.75	.55	.26	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.53	.50	.75	.55	.26	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.68	.50	.75	.55	.26	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	8.08	.50	.75	.55	.26	
GROUP V						
CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.24	.50	.75	.55	.26	

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors	8.33	.50	.75	.55	.26	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device;						

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	8.47	.50	.75	.55	.26	
GROUP VIII						
ASPHALT PLANT ENGINEER; CAR PASER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck," M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	8.76	.50	.75	.55	.26	
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Rubber-tired Scraper, Self Loading; Sub-Grader (Gurries or other types);	8.93	.50	.75	.55	.26	

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)	9.11	.50	.75	.55	.26	
GROUP XI						
AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.): Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem						

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI (Cont'd) Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)	9.33	.50	.75	.55	.26	
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	10.15	.50	.75	.55	.26	

TRUCK DRIVERS Within 25-mile radius of the City Hall of Fallon & Reno in Churchill & Washoe Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
All Dump Trucks (single multiple or dump units incl. Semi's & double & transfer units):						
Under 4 yds. (water level)	5.40	.41	.25	.25		
4 yds. & under 8 yds. (water level)	5.60	.41	.25	.25		
8 yds. & under 18 yds. (water level)	5.80	.41	.25	.25		
18 yds. & under 35 yds. (water level)	5.95	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.20	.41	.25	.25		
60 yds. & over	6.35	.41	.25	.25		
Transit Mix:						
Under 8 yds.	5.80	.41	.25	.25		
8 yds. & incl. 12 yds.	5.90	.41	.25	.25		
Over 12 yds.	6.10	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	5.60	.41	.25	.25		
2,500 gals. & over	5.70	.41	.25	.25		
Semi Trailers	5.80	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and fuel &/or Grease Tank Trailers, or other misc. Trailers	5.95	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	.41	.25	.25		
Bootman, Combination Bootman and Road Oiler	5.85	.41	.25	.25		
Road Oil Truck or Bootman	5.55	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	5.45	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	5.55	.41	.25	.25		

TRUCK DRIVERS (Cont'd) Within 25-mile radius of the City Hall of Fallon & Reno in Churchill & Washoe Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (Cont'd)						
Bus and Manhaul Drivers:						
Up to 18,000 lbs. (single unit)	5.45	.41	.25	.25		
18,000 lbs & over (single unit)	5.55	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	6.35	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	5.65	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	5.55	.41	.25	.25		
18,000 lbs. & over	5.65	.41	.25	.25		
Warehousemen Spotters Teamsters	5.35	.41	.25	.25		
Tire Repairman	5.65	.41	.25	.25		
Truck Repairman	6.10	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	5.45	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	5.55	.41	.25	.25		

TRUCK DRIVERS Mineral County and the remainder of Churchill and Washoe Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):						
Under 4 yds. (water level)	$ 6.15	.41	.25	.25		
4 yds. & under 8 yds. (water level)	6.35	.41	.25	.25		
8 yds. & under 18 yds. (water level)	6.55	.41	.25	.25		
18 yds. & under 35 yds. (water level)	6.70	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.95	.41	.25	.25		
60 yds. & over	7.10	.41	.25	.25		
Transit Mix:						
Under 8 yds.	6.55	.41	.25	.25		
8 yds. & incl. 12 yds.	6.65	.41	.25	.25		
Over 12 yds.	6.85	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2c per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	.41	.25	.25		
2,500 gals. & over	6.45	.41	.25	.25		
Semi Trailers	6.55	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers	6.70	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	6.45	.41	.25	.25		
Bootman, combination Bootman and Road Oiler	6.60	.41	.25	.25		
Road Oil Truck or Bootman	6.30	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	6.20	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	6.30	.41	.25	.25		

TRUCK DRIVERS (CONT'D) Mineral County and the remainder of Churchill and Washoe Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Bus and Manhaul Drivers:						
Up to 18,000 lbs (single unit)	6.20	.41	.25	.25		
18,000 lbs & over (single unit)	6.30	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	7.10	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	6.40	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	6.30	.41	.25	.25		
18,000 lbs. & over	6.40	.41	.25	.25		
Warehousemen Spotters Teamsters	6.10	.41	.25	.25		
Tire Repairman	6.40	.41	.25	.25		
Truck Repairman	6.85	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	6.20	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	6.30	.41	.25	.25		

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CABLE SPLICERS	$8.84	.33	1%+.25		.01	
LINEMEN	8.04	.33	1%+.25		.01	
LINE EQUIPMENT OPERATORS	7.24	.33	1%+.25		.01	
GROUNDMEN	6.03	.33	1%+.25		.01	

NEVADA AREA DEFINITIONS
for
Power Equipment Operators

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E;

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

NEVADA AREA DEFINITIONS
for
Power Equipment Operators (Cont'd)

Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 58E;

Thence Southerly to the S.W. corner of township 37N, range 58E;

Thence Easterly to the S.E. corner of township 37N, range 58E;

Thence Southerly to the N.E. corner of township 31N, range 58E;

Thence Westerly to the N.W. corner of township 31N, range 58E;

Thence Southerly to the S.W. corner of township 31N, range 58E;

Thence Westerly to the S.E. corner of township 31N, range 52E;

Thence Northerly to the N.E. corner of township 31N, range 52E;

Thence Westerly to the S.E. corner of township 32N, range 51E;

Thence Northerly to the point of beginning.

STATE: Nevada

COUNTIES: Clark, Lincoln, and Nye (south of Highway #6) excluding the Nevada Test Site

DECISION NO: AP-217

DATE: Date of Publication

Supersedes Decision No. AM-2532 dated September 3, 1971 in 36 FR 17775.

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	$9.96	.48	.42			
BOILERMAKERS	7.20	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	6.27	.20		1.00	.01	
CARPENTERS:						
Carpenters	5.99	.45	.60	.80	.03	
Millwrights	6.29	.45	.60	.80	.03	
CEMENT MASONS	6.35	.42		1.30	.01	
ELECTRICIANS AND TECHNICIANS	9.50	.28	1%		.01	
Cable Splicers	9.83	.28	1%		.01	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.90					
IRONWORKERS (Eastern portion of Lincoln Co. only):						
Structural; Ornamental; Reinforcing; Fence Erectors	6.88	.35	.50		.05	
IRONWORKERS (Western portion of Lincoln Co. and remaining counties):						
Structural; Ornamental	8.20	.51	.625	.60	.02	
Reinforcing	8.16	.51	.625	.60	.02	
Fence Erectors	8.06	.51	.625	.60	.02	
LATHERS	7.15	.35		1.00	.01	
MARBLE MASONS; Tile Setters; Terrazzo Workers	6.27	.20		1.00	.01	
PAINTERS:						
Brush and Roller	5.37	.17		.77	.01	
Structural Steel	5.62	.17		.77	.01	
Structural Steel (spray)	5.87	.17		.77	.01	
Tapers; & Finishers; Paperhangers	5.62	.17		.77	.01	
PLASTERERS	6.93	.42		.50	.01	
PLUMBERS; Pipefitters	8.40	.40	.65	1.60	.06	
ROOFERS	9.13	.30				
SHEET METAL WORKERS	6.97	.38	.75	1.00	.03	
SOFT FLOOR LAYERS (resilient)	7.58	.14		.45	.01	
SPRINKLER FITTERS	10.55	.25	.40		.05	

FOOTNOTE:

a. First 6 months, none; 6 months to 5 years 2%; over 5 years 4% basic hourly rate. Six 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.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS-GENERAL or Construction; Demolition (cleaning of brick, lumber, etc.; Dry packing of concrete, and filling of form-bolt holes; Gas and oil piepline; Laborer-Temporary water lines (portable type); Window cleaner	$6.00	.11	.10	.55		
Cutting Torch Oo. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	6.05	.11	.10	.55		
Guinea Chaser	6.08	.11	.10	.55		
Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man	6.10	.11	.10	.55		
Laborers-packing rod steel & pans	6.12	.11	.10	.55		
Underground laborer including Caisson Bellowers	6.13	.11	.10	.55		
Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (Lead man); Tank scaler & cleaner	6.15	.11	.10	.55		
Cesspool Digger & Installer	6.18	.11	.10	.55		
Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	6.19	.11	.10	.55		
Operators & tenders of pneumatic & electric tools, vibrating machines, hand propelled trenching machines, impact wrench multi-plate & similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggy-mobile man; Cement dumper (on one						

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vocation	App. Tr.	Others
yard or larger mixers & handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas & oil pipeline wrapper- pot tender & form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Faller, Chain saw opr., Pittsburgh Chipper & similar type brush shredders.	$6.21	.11	.10	.55		
Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	6.26	.11	.10	.55		
Driller and/or pavement breaker	6.29	.11	.10	.55		
Oversize concrete vibrator op., 70 lbs & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile.	6.31	.11	.10	.55		
Gas & oil pipeline wrapper - 6 inch pipe & over	6.34	.11	.10	.55		
Cribber or Shorer, lagging, sheeting, trench bracing, hand guided lagging hammer; Powderman-Blaster-all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading & placing	6.36	.11	.10	.55		
Steel Headboard man	6.425	.11	.10	.55		
Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.45	.11	.10	.55		
Head Rock Slinger	6.52	.11	.10	.55		
RIGGING: Same wage scale as classification to which rigging is incidental.						

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I BRAKEMAN; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman	$6.58	.45	.80	.30	.02	
GROUP II CONCRETE MIXER OPERATOR, SKIP TYPE; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler	6.82	.45	.80	.30	.02	
GROUP III A-FRAME OR WINCH TRUCK; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine	7.06	.45	.80	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)	7.17	.45	.80	.30	.02	

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant; Backhoe (up to and incl. 3/4 yd.); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Drilling Machine (water wells); Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and incl. 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader (Crawler and Wheel type over 3/4 yd. & up to & incl. 1½ yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types)	7.36	.45	.80	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Factor or similar; Bridge Crane; Pipe Laying Machine (Cast in Place); Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom & similar type); Kolman Belt Loader & similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types)						

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI (Cont'd) Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equip. op. (single engine-Caterpillar, Euclid, Athey Wagon, & similar types with any and all attachments over 25 yd. & up to & incl. 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 & similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yds., up to & incl. 6-1/2 yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equip., multiple engine (up to & incl. 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Fly wheel h.p. & over, or similar) (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. & up to 5 cu. yd. M.R.C.;	$7.46	.45	.80	.30	.02	
GROUP VII CRANE (over 25 ton up to & incl. 100 tons M.R.C.; Derrick Barge; Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to & incl. 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Op. (Euclid and similar type, except Quad 9 Cat); Rubber-						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII (Cont'd) tired Earth Moving Equip. (single engine over 50 yds. struck; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. & up to 50 cu. yds. struck); Tractor Loader Op. (Crawler & wheel type over 6-1/2 yds); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., MRC; Woods Mixer and similar Pugmill Equip.; Heavy Duty Repairman - Welder Combination	$7.56	.45	.80	.30	.02	
GROUP VIII Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equip. (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50¢ per hour additional	7.70	.45	.80	.30	.02	
GROUP IX Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds); Remote Controlled Earth Moving Equip. ($1.00 per hour additional to base rate)	7.80	.45	.80	.30	.02	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Drivers of Dump Trucks (less than 12 yds. water level); Drivers of Trucks (legal payload capacity less 15 tons); Water & Fuel Truck Drivers under 2500 gals.;. Pickup Drivers; Service Truck Driver--Teamster Equipment (highest rate paid for dual craft operation) Truck Repairman Helper; Drivers of Busses on Job Site used for transportation of up to 25 passengers	$7.00	.20	.15			
GROUP II Drivers of Dump Trucks 12 yds. but less than 16 yds. water level; Drivers of Trucks--legal payload capacity between 15 & 20 tons; Gas & Oil Pipeline Working Truck Driver, including winch truck & all sizes of trucks; Water & Fuel Truck Drivers 2500 gals, to 4000 gals; Truck Greaser & Tireman; Drivers of Busses (on job site used for transportation of more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil.	7.11	.20	.15			
GROUP III Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.16	.20	.15			
GROUP IV Drivers of Dump Trucks, 16 yds. up to & including 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons but less than 30 tons; Drivers of Euclid-type Spreader Trucks; Drivers of Dumpster Trucks; Drivers of Transit-mix Trucks, 3 yds., but less than 6 yds.; Dumpcrete Truck, 6½ yds. water level & over; Fork Lift Driver; Ross Carrier Driver--Highway Water & Fuel Truck Drivers 4000 but less than 6000 gals.	7.32	.20	.15			

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V - A						
Drivers of Transit-mix Trucks, 6 yds. or more; Truck Repairman; Drivers of Dump Trucks, over 22 yds. water level; Drivers of Trucks, legal payload capacity, 30 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over.	$7.50	.20	.15			
GROUP V - B						
D.W. & similar type equipment; D.W. 10 & D.W. 20 Euclid-type equipment LeTorneau Pulls, Terra Cobras & similar types of equipment, also PB & similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem.	8.00	.20	.15			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LINE CONSTRUCTION:						
CABLE SPLICERS	$8.40	.18	1%		1/2%	
LINEMEN	8.00	.18	1%		1/2%	
GROUNDMEN	6.40	.18	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Oklahoma
DECISION NO.: AP-308 DATE: Date of Publication
Supersedes Decision No. AM-11,412, dated April 14, 1972, in 37 FR 7462.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

10-Oklahoma - 1-P (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.20	.25	.20		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS - STONEMASONS	7.12		.25		.025	
CARPENTERS:						
Carpenters	6.40	.20			.02	
Millwrights	6.65	.20			.02	
Piledrivermen & Power Saw Operator	6.65	.20			.02	
CEMENT MASONS	6.65					
ELECTRICIANS:						
Electricians (Zone 1)	7.20	.30	1%+.10		1%	
Electricians (Zone 2)	7.45	.30	1%+.10		1%	
Cable splicers (Zone 1)	7.45	.30	1%+.10		1%	
Cable splicers (Zone 2)	7.70	.30	1%+.10		1%	
ELEVATOR CONSTRUCTORS	6.67	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50%					
GLAZIERS	6.12					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.44	.20	.25		.04	
LABORERS:						
Air tool operator (jackhammer, vibrator); masons tenders; mortar mixers; pipelayers (concrete & clay); plasterers' tenders	4.18					
Unskilled	4.03					
LATHERS	7.475					
MARBLE MASONS	5.60					
PAINTERS:						
Brush, tapping & bedding	5.25	.15	.20	.15	.01	
Spray painting & sandblasting under 30 feet	5.75	.15	.20	.15	.01	
Spray painting and sandblasting over 30 feet	6.25	.15	.20	.15	.01	
Paperhangers	6.25	.15	.20	.15	.01	
Hazardous work	5.75	.15	.20	.15	.01	
PLASTERERS	7.475				.01	
PLUMBERS - STEAMFITTERS	7.56	.35	.35		.09	
ROOFERS	5.85	.20	.25	.15	.04	
SHEET METAL WORKERS	6.35	.25	.15		.02	

10-Oklahoma-1-P (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SOFT FLOOR LAYERS:						
Resilient floor layers	6.20	.15				
Carpet layers	6.20	.15				
SPRINKLER FITTERS	7.60	.25	.40		.05	
TERRAZZO WORKERS	5.05					
TERRAZZO WORKERS' HELPERS	3.90					
TERRAZZO FLOOR MACHINE MAN	4.05					
TERRAZZO BASE MACHINE MAN	4.25					
TILE SETTERS	5.25					
TILE AND MARBLE HELPERS:						
Intermediate helpers	3.60					
Experienced helpers	3.75					
TRUCK DRIVERS:						
Truck drivers for heavy equipment, such as lowboys, heavy winch & floats	4.90					
Heavy earth moving equipment such as euclids, Mississippi wagons, 10 yds. and tail dumps	5.10					
Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks	4.80					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-308 P. 3 — 77 - Okla - PEO 1 G (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.25	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operationg 2 or more drums; Cherry picker	7.00	.35	.25		.07	
Motor Patrol (Blade); Dozer (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21, & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	6.75	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding Machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator - dual, continuous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.50	.35	.25		.07	
Operator for rotary drilling machines when operated from console or machine	6.50	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air Compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continuous Belt Bulk Handling	6.00	.35	.25		.07	

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POWER EQUIPMENT OPERATOR (Cont'd):	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Greaser; Tilt Top Trailer Operator	$6.10	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	5.80	.35	.25		.07	
Track crane oiler or Truck crane driver	5.70	.35	.25		.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.

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OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$6.50		1%		1/2%	
Cable splicers	6.94		1%		1/2%	
Hole digger operator	5.91		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	5.91		1%		1/2%	
Line truck driver (winch op.)	5.35		1%		1/2%	
Jackhammer man	4.88		1%		1/2%	
Powderman	5.91		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.60		1%		1/2%	
Groundmen	4.35		1%		1/2%	

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Statewide
DECISION NUMBER: AP-218
DATE: Date of Publication
Supersedes Decision No. AM-6703 dated February 18, 1972, 37 FR 3693
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	7.85	.35	.60		.06	
BOILERMAKERS	7.20	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North 1/2 of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	7.40	.35	.35		.02	
Baker, North 1/2 of Malheur, Union, Umatilla, Wallowa Cos.	7.85	.30				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South 1/2 of Lincoln, Linn, South 1/2 of Malheur, Wasco (incl. the City of Maupin & south thereof), Wheeler Cos.	6.75	.35	.35		.02	
CARPENTERS:						
Acoustical & Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	6.78	.55	.40	.35	.03	
Piledrivermen, Bridge, Dock & Wharf Builders	6.88	.55	.40	.35	.03	
Floor Layers & Finishers; Stationary Power Saw Operators	6.91	.55	.40	.35	.03	
Boom Men	6.98	.55	.40	.35	.03	
Millwrights & Machine Erectors	7.03	.55	.40	.35	.03	
CEMENT MASONS:						
Cement Masons	6.26	.30	.25		.01	
Mastic Worker; Composition Workers; Gunnite Man; Power Machinery Operator	6.385	.30	.25		.01	
DRYWALL TAPERS	6.10	.32	.15	.50	.015	
ELECTRICIANS:						
Malheur County						
Electricians	7.06	.22	1%		2/10%	
Cable Splicers	7.77	.22	1%		2/10%	
Baker; Gilliam; Grant; Morrow; Umatilla; Union; Wallowa; Wheeler Cos.						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
Coos; Curry; Lincoln; Those portions of Douglas & Lane Cos. lying west of a line north & south from the NE corner of Coos Co. to the SE corner of Lincoln Co.						
Electricians	$ 7.14	.15	1%			
Cable Splicers	7.85	.15	1%			
Clatsop; Tillamook Cos.						
Electricians	7.10	.15	1% + .30			
Cable Splicers	7.60	.15	1% + .30			
Benton; Crook; Deschutes; Jefferson; Lane (except coast portion); Linn; Marion; Polk; S. 1/2 of Yamhill Cos.						
Electricians	7.73	.25	1%		.04	
Cable Splicers	8.18	.25	1%		.04	
Clackamas; Columbia; Hood River; Multnomah; Sherman; Wasco; Washington; N. 1/2 of Yamhill Cos.						
Electricians	7.45	.25	1% + .30		.02	
Cable Splicers	8.05	.25	1% + .30		.02	
Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the corner of Coos Co. to the southeast corner of Lincoln Co.						
Electricians	7.42	.15	1%		.02	
Cable Splicers	7.87	.15	1%		.02	
ELEVATOR CONSTRUCTORS	6.84	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.22	.16	.20	4%	.01	
IRONWORKERS:						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signal Men	7.13	.43	.40	.25	.03	
LATHERS						
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.	6.60	.15			.01	
MARBLE SETTERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North 1/2 of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	7.40	.35	.35		.02	
Baker, North 1/2 of Malheur, Union, Umatilla; Wallowa Cos.						
Outside	7.85	.30				
Inside	7.65	.30				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake,						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lane, South 1/2 of Lincoln, Linn, South 1/2 of Malheur, Wasco (incl. the City of Maupin & south thereof), Wheeler Cos.	6.75	.35	.35		.02	
PAINTERS:						
Brush	6.55	.30	.20		.015	
Spray	6.80	.30	.20		.015	
High Work over 100'	7.05	.30	.20		.015	
High Towers, ground to 100'	6.70	.30	.20		.015	
High Towers, ground to 300'	7.05	.30	.20		.015	
High Towers, ground to over 300'	7.55	.30	.20		.015	
PLASTERERS	6.45	.35	.35		.01	
PLUMBERS; STEAMFITTERS:						
Baker; Harney (except NW portion); Malheur Cos.	6.58	.28	.30		.05	
Grant (except SW corner); Morrow; Umatilla; Wallowa; Union Cos.	7.75	.26	.55	.48	.06	
N. 1/2 of Benton, Lincoln, & Linn Cos.; Marion; Polk; S 1/2 of Tillamook, Yamhill Cos.	7.13	.36	.55	1.00	.08	
Clackamas; Clatsop; Columbia; Gilliam; Hood River; Jefferson; Multnomah; Sherman; N. 1/2 of Tillamook; Wasco; Wheeler; Washington; & N. 1/2 of Yamhill	7.06	.50	.56		.07	
Coos; Curry; Coast portion of Douglas Co.; Lane (City of Florence)	6.71	.35	.40		.0175	
Lane (except for City of Florence); Douglas (except coast portion); Crook; Deschutes; N.W. portion of Harney; Northern portions of Klamath and Lake Cos.; S. 1/2 of Lincoln, Linn, Benton and Jefferson Cos.; & S.W. corner of Grant County	7.20	.21	.30		.02	
Remainder of Klamath & Lake Cos.	7.06	.45	.55	.75	.05	
Jackson; Josephine Cos.	6.85	.40	.50	.43	.02	
ROOFERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Tillamook, Wasco Cos.						
Roofers	6.65	.45	.35			
Coal Tar	7.15	.45	.35			
Coal Tar in confined areas	7.40	.45	.35			
Wallowa County	6.25					
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, Malheur Cos.	6.20	.25				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS						
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, Yamhill Cos.	6.05	.20	.24	.24	.02	
Malheur County	6.43	.22	.20	.40		
Baker, Umatilla, Union, Wallowa Cos.	6.50	.22	.30			
Coos, Curry, Douglas, Lane Cos.	7.19	.22	.34		1/2%	
Jackson, Josephine	6.23	.22	.30			
SOFT FLOOR LAYERS	6.40	.30	.30	b	.05	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TILE SETTERS & TERRAZZO WORKERS						
Clatsop, Clackamas, Columbia, Gilliam, Harney, Hood River, N. 1/2 of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook, Yamhill Cos.	6.95	.25	.24			
Baker, North 1/2 of Malheur, Union, Umatilla, Wallowa Cos.	7.18	.30				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South 1/2 of Lincoln, Linn, South 1/2 of Malheur, Wasco (incl. the City of Maupin and south thereof), Wheeler Cos.	6.95	.25				
TILE SETTERS' HELPERS	6.04	.25				
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

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 credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. 4% of all gross wages to be placed to the credit of employees with less than one year of service. 6% to employees with more than one year of service.

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); GENERAL LABORERS; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)	$5.80	.45	.50	.25	.02
GROUP II Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls but not limited to: Chipping Guns, JACKHAMMER, Paving breakers, Post hole digger, Air Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
timbermen; Timber buckers & fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)	$5.95	.45	.50	.25	.02	
GROUP III						
Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, strippers & drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (Bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); SEWER PIPE LAYERS; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel--Chuck tenders, Nippers & Timbermen; Vibrators (4" & larger); Water blaster	6.10	.45	.50	.25	.02	
GROUP IV						
Tunnel miners; Tunnel powderman	6.25	.45	.50	.25	.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.66	.45	.60	.25		
GROUP II						
BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or over; Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.78	.45	.60	.25		
GROUP III						
PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.90	.45	.60	.25		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP IV SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity; Concrete Cooling Machine; Combination Mixer and Compressor, Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift of similar type, 20 ft. or over; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTF	7.04	.45	.60	.25		
GROUP V CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER; Wagner Pactor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	7.08	.45	.60	.25		
GROUP VI ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2½ cu. yds. and under; Rock Spreader, self-propelled	7.14	.45	.60	.25		

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumpcrete; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump; Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over	$7.22	.45	.60	.25		
GROUP VIII DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.30	.45	.60	.25		
GROUP IX BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds Loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Threading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	7.38	.45	.60	.25		
GROUP X BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-Unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers and Pushers (Michigan, Cat, Hough type)	7.42	.45	.60	.25		

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	$7.46	.45	.60	.25		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.50	.45	.60	.25		
GROUP XIII BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff-leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraylic Backhoe, truck type over 3/8 cu. yds. Elevating Grader, operated by tractor, Sierra, Eucild or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over; Back filling Machine	7.60	.45	.60	.25		
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.74	.45	.60	.25		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.92	.45	.60	.25		
GROUP XVI AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over;						

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds. Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc. 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	$8.08	.45	.60	.25		
GROUP XVII CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	8.24	.45	.60	.25		
GROUP XVIII CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjuction with wheel excavator	8.40	.45	.60	.25		
GROUP XVIV HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.56	.45	.60	.25		

TRUCK DRIVERS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Battery rebuilder; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checker & reccivers); Water wagons (rated capacity); up to 1600 gals.	$6.43	.40	.45	.25		
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	6.48	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.53	.40	.45	.25		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.	6.58	.40	.45	.25		
Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.	6.63	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & dry or wet mix trucks: over 7cu. yds. & incl. 9 cu. yds.; Truck mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.73	.40	.45	.25		

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (Rated capacity): over 7000 gals to 10,000 gals.	$6.83	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Wager Wagons (rated capacity): over 10,000 gals. to 15,000 glas.	6.93	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	7.03	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	7.20	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	7.30	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.	7.40	.40	.45	.25		
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.50	.40	.45	.25		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.60	.40	.45	.25		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER LEVERMAN:						
(a) 5 yards and under	$8.19	.45	.65	.25		
(b) Over 5 yards	8.79	.45	.65	.25		
LEVERMAN, HYDRAULIC	7.77	.45	.65	.25		
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.42	.45	.65	.25		
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.32	.45	.65	.25		
ENGINEER WELDER; CRANEMAN	7.37	.45	.65	.25		
FIREMAN; OILER	6.93	.45	.65	.25		
ASSISTANT MATE (Deckhand)	6.83	.45	.65	.25		

LINE CONSTRUCTION - OREGON d (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Cable Splicers Leadman Pole Sprayer Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	$ 8.60	.25	1%		1/2%	
Tree Trimmer	7.76	.25	1%		1/2%	
Line Equipment Man	7.00	.25	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.67	.25	1%		1/2%	
Groundman; Tree Trimmer Helper	5.82	.25	1%		1/2%	
Hole Digger	5.49	.25	1%		1/2%	
	5.25	.25	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant and Wise

DECISION No.: AP-306

DATE: Date of Publication

Supersedes Decision No. AM-11,419, dated May 5, 1972, in 37 FR 9164

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.975	.25	.325		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS-STONEMASONS:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.385	.25	.40		.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.00	.20	.40		.015	
Grayson County	6.80					
CARPENTERS:						
Carpenters:						
Grayson County	6.40				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.67	.20	.30		.02	
Power saw operators:						
Grayson County	6.65				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.795	.20	.30		.02	
Millwrights:						
Grayson County	6.80				.005	
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.50				.02	
Piledrivermen:						
Grayson County	6.90				.005	
CEMENT MASONS:						
Grayson County	6.16					
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.495	.25	.25		.01	
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.495	.25	.25		.01	
ELECTRICIANS:						
Electricians:						
Grayson County	6.775		1%		.02	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.50	4%	1%		7/10%	

(2 - 8)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS (CONT'D):						
Electricians:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Zone A - Dallas County	$6.985	4%	1%		.70 of 1%	
Zone B - All work outside Dallas up to a 40 mile radius from Dallas City Hall	7.235	4%	1%		.70 of 1%	
Zone C - All work outside Zones A & B	7.485	4%	1%		.70 of 1%	
Cable splicers:						
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.75	4%	1%		7/10%	
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Zone A - Dallas County	7.6835	4%	1%		.70 of 1%	
Zone B - All work outside Dallas up to a 40 mile radius from Dallas City Hall	7.9585	4%	1%		.70 of 1%	
Zone C - All work outside Zones A & B	8.2335	4%	1%		.70 of 1%	
ELEVATOR CONSTRUCTORS	6.20	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.00	.15	.15			
IRONWORKERS	6.385	.25	.40		.03	
LABORERS:						
Grayson County:						
Unskilled laborers	4.08	.125	.20			
Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	4.33	.125	.20			
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:						
General laborer, excavation, concrete work, carpenter tender, reinforcing-shoring, digging, loading, unloading, slip form jack operator, wrecking buildings, scaffold builder, asphalt ironer, asphalt raker, waterproofing tender, tool room tender, dumper, spotter, concrete pumpcrete pipe (handling & laying)	4.58	.175	.20		.02	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties (Cont'd):						
Power tool operator, vibrator, cutting torch man, concrete grademen, power buggy operator, wagon drill operator, well driller, well driller tender, drilling rig tender, cement finisher tender, metal pan & steel form men	$4.73	.175	.20		.02	
Concrete pipe (handling & laying), tile & marble, terrazzo helper, mason handler, scaffold builder, mason tenders, hod carrier, mortar mixer, lather tender, plasterer tender, pier hole and ditch men	4.83	.175	.20		.02	
Sand blaster, blaster, powderman, gunite nozzleman and terrazzo grinder, gunite worker	4.98	.15	.20		.02	
LATHERS:						
Grayson, Collin, Dallas, Denton, Ellis, Hunt, Kaufman & Rockwall Counties	6.79	.20		.50	.04	
Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.32	.20			.01	
MARBLE SETTERS:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.50					
PAINTERS:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Brush	6.335	.30	.20		.04	
All wall covering work; paper, fabric, sheeting, flexwood, etc.	6.46	.30	.20		.04	
Ames tools operator	6.46	.30	.20		.04	
Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	6.71	.30	.20		.04	
Denton County:						
Brush, hand roller	6.00					
All wall covering work	6.125					
Structural steel; stage & bosun chair work, window jack, spraying, sandblasting & power tool work	6.25					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:						
Brush	$6.275		.20			
Spray work, pressure rollers, sandblasting, structural steel, bosun chair, any window painted on window sill or window jack, stage work, painting of fire escapes, or steel storage tanks, paperhanging or vinyl work, taping and bedding	6.525		.20			
Steeple jack work (classified as: radio and TV towers, smoke stakes, and water towers and similar facilities and chimneys located closer to the edge of the building than the height of the pole) and work performed with materials such as creosote, coal tar products or similar materials containing ingredients similary injurious to the skin	7.525		.20			
PLASTERERS:						
Grayson County	6.05					
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.795	.20		.50	.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.515				.01	
PLUMBERS-STEAMFITTERS	7.00	.25	.51		.06	
ROOFERS:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Slate & tile	6.325		.25		.01	
Composition and built-up roofing, damp proofing & bituminous waterproofing	6.175		.25		.01	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:						
Slate, tile, asbestos, roofing & siding	6.295				.03	
Composition, built-up, damp & waterproofing, kettlemen	6.145				.03	
SHEET METAL WORKERS:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.895	.30	.25		.01	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	6.975	.25	.20		.025	
SOFT FLOOR LAYERS	6.49	.25			.03	
SPRINKLER FITTERS	7.60	.25	.40		.05	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS:						
Collin, Dallas, Hunt, Kaufman & Rockwall Counties	$6.20					
TILE SETTERS' HELPERS:						
Collin, Dallas, Hunt, Kaufman & Rockwall Counties	4.28					
TRUCK DRIVERS:						
Grayson County	1.75					
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	4.25					
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	4.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Oilers	$5.275	.25	.40			
Air compressors; Blade grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Water pumps-2½' or over and 2 or more pumps; Pulsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated	6.06½	.25	.40			
Heavy duty mechanic (foreman); Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer and all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job.; Concrete batch plant operator; Clam shell; Cranes (all types); truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms; .01¢ per hour, per ft., over 90' including jib; draglines; derricks, power operated (all types); DW-10 Caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Grade all; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yd.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment clas, when power operated	6.46½	.25	.40			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Grayson County:						
Oilers (all types)	$4.425	.30	.50			
Air compressors (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machines gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 ft.); Concrete pumps (all types); Bobcat type equipment	5.21	.30	.50			
Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drum or more; Forklifts (over 25 ft.); Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Fordson type backhoe; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	5.61	.30	.50			
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:						
Oilers (all types)	5.075	.30	.50		.05	
Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment	5.86	.30	.50		.05	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties (Cont'd):						
Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes-power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving mixers (all types); Pile drivers; Mobile concrete mixers, over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	$6.26	.30	.50		.05	

INCIDENTAL PAVING (TARRANT COUNTY) INCIDENTAL PAVING & UTILITIES (COLLIN, DALLAS, DENTON, ELLIS, GRAYSON, HOOD, HUNT, JOHNSON, KAUFMAN, PALO PINTO, PARKER, ROCKWALL & WISE COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.55					
Asphalt Heaterman	2.65					
Asphalt Raker	3.25					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	2.95					
Carpenter	3.25					
Carpenter Helper	3.00					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.25					
Concrete Finisher Helper (Structures)	2.95					
Concrete Rubber	2.75					
Electrician	5.00					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.50					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.50					
Mechanic Helper	2.85					
Oiler	2.75					
Pipelayer	3.25					
Pipelayer Helper	2.50					
Powderman	3.00					
Reinforcing Steel Setter (Structures)	3.25					
Reinforcing Steel Setter Helper	2.50					
Sign Erector	3.00					
Sign Erector Helper	2.50					
Spreader Box Man	2.50					
Swamper	2.00					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.25					
Bulldozer, 150 H.P. and Less	3.15					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.00					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Saw	2.75					
Concrete Paving Spreader	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					

INCIDENTAL PAVING (TARRANT COUNTY) INCIDENTAL PAVING & UTILITIES (COLLIN, DALLAS, DENTON, ELLIS, GRAYSON, HOOD, HUNT, JOHNSON, KAUFMAN, PALO PINTO, PARKER, ROCKWALL & WISE COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	$3.50					
Foundation Drill Operator (Truck Mounted)	4.20					
Foundation Drill Operator Helper	3.65					
Front End Loader (2½ C.Y. and Less)	3.25					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	3.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	3.15					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.20					
Tractor (Pneumatic) over 80 H.P.	2.85					
Traveling Mixer	2.70					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.80					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.55					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	3.25					
Transit-Mix	3.25					
Welder	3.55					

SUPERSEDEAS DECISION

AP-307 - P. 2

STATE: Texas COUNTY: Galveston
DECISION NO.: AP-307 DATE: Date of Publication
Supersedes Decision No. AM-11,413, dated April 14, 1972, in 37 FR 7464
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.275	.30		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.30	.175	.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			
ELECTRICIANS	7.21	.17	1%+.21		.01	
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 & clay)	4.725	.18	.10		.02	
Sandblasters	4.725	.18	.10		.02	
Power buggy operators	4.725	.18	.10		.02	
Lather tenders	4.825	.18	.10		.02	
Mortar mixers	4.825	.18	.10		.02	
Well driller	5.10	.18	.10		.02	
Well drillers' helpers	4.675	.18	.10		.02	
Blaster, powderman	4.975	.18	.10		.02	
Plasterer tender & hod carrier	4.825	.18	.10		.02	
MARBLE MASONS	6.50					
PAINTERS:						
Painters	5.25	.175	.45	.30	.02	
Painters on swinging stage work or using materials injurious to the skin	5.50	.175	.45	.30	.02	
PLASTERERS	6.825	.27	.30		.05	
PLUMBERS & PIPEFITTERS	7.075	.225	.20		.02	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettleman	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$5.72		.125			
SOFT FLOOR LAYERS	6.15		.10		.03	
SPRINKLER FITTERS	7.60	.25	.40		.05	
STONEMASONS	7.30	.175	.30		.03	
TERRAZZO WORKERS	6.50					
TILE SETTERS	6.50					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractor; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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); Pumpcrete machine operator; Push cat operator; Scoop-mobiles; Scraper (heavy type, over 3 cu. yds.); Shovel (power operated); Trenching machines (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	

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	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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INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	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%	

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PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

Uninspected Towing Vessels; Licensing of Operators

Notice of Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 72-132PH]

UNINSPECTED TOWING VESSELS

Licensing of Operators

The Coast Guard is proposing to issue regulations governing the issuance of licenses for the operation of uninspected towing vessels to implement the Towing Vessel Operator Licensing Act, (Public Law 92-339, R.S. 4427, as amended, 46 U.S.C. 405(b) (July 7, 1972)).

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

Public hearings. The Coast Guard will hold four public hearings at the following times and addresses:

1. September 13, 1972, 9:30 a.m., Eams Theater, Seattle Center, 305 Harrison, Seattle, WA 98109.
2. September 20, 1972, 9:30 a.m., Room 2705, 26 Federal Plaza, New York, NY 10007.
3. September 26, 1972, 9:30 a.m., Room 2186, New Federal Building, 701 Loyola Avenue, New Orleans, LA.
4. September 27, 1972, 9:30 a.m., Room 1612, Federal Building, 1520 Market Street, St. Louis, MO 63103.

Each hearing will be conducted by a member or representative of the Marine Safety Council, who may apportion the time for presentation. Each person desiring to speak at one of the hearings is requested to notify the Executive Secretary of the time needed for his presentation and is encouraged to submit a written copy or summary after the hearing of his oral presentation.

Closing date for comments. All relevant communications received on or before October 17, 1972, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received and a tape recording of the public hearing will be available for examination in Room 8234. Copies of comments will be furnished interested persons upon request to the Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

The Act requires uninspected towing vessels to be under the direction and control of a person licensed by the Coast Guard, while underway. Also, it defines "towing vessel" as a commercial vessel which is 26 feet or more in length engaged in or intended to engage in the service of towing. The Act does not apply to towing vessels of less than 200 gross tons engaged in or preparing or intended to immediately engage in a service to the offshore oil and mineral exploitation industry, including construction for such industry, where the vessels involved would have as their ultimate destination or last point of departure offshore oil and mineral exploitation sites or equipment.

During development of this proposal, the Coast Guard has consulted with various organizations representing owners and operators of vessels subject to the Act.

A license as operator and a license as second-class operator are proposed. The license as second-class operator, in contrast to the license as operator, may be obtained at 19 years of age instead of 21 years of age and with 18 months' service instead of 3 years' service. The license as second-class operator authorizes the holder to operate a towing vessel only when the holder of a license as operator or as master, mate, or pilot is onboard. The holder of a license as master, mate, or pilot would be authorized under these proposed rules to operate uninspected towing vessels within the scope and limitations endorsed on his license. However, a license as Mate of Inland Steam or Motor Vessels presently does not require the holder to have knowledge of, or be examined in, Rules of the Road or Navigation of Vessels. Therefore, holders of such licenses that are not endorsed as pilot would not be authorized to operate uninspected towing vessels.

A license as second-class operator may be exchanged for a license as operator when the holder meets the age and service requirements.

A license as second-class operator is not renewable after it expires. This would preclude the occasional operation of a towboat over an indefinite period without maintaining proficiency. However, a person who holds an expired second-class license would be issued another one if he meets all the requirements and is reexamined for the original issuance of a second-class license.

Licenses issued under these regulations would be issued for the broad geographical areas of application of the various Rules of the Road. Most licenses would be endorsed for Great Lakes, western rivers, inland waters, oceans, or oceans not more than 200 miles offshore.

Licenses endorsed for a limited local area may be issued if the applicant has limited experience. Also, as intended by the law, where appropriate and at the request of the applicant, the license may be endorsed for a local area to which the applicant desires to limit the scope of his license. In both cases, he would be given a limited examination appropriate for the area.

It is proposed that the holder of a license limited to a local area because of limited experience would be required to correct this deficiency before his license can be renewed.

In the first year of their effectiveness, the proposed rules would allow persons with 1 year experience in charge of a towboat to qualify for an operator's license under eased requirements. For these operator license applicants, the Coast Guard would relax medical standards and require only a brief test of the Rules of the Road in place of the more comprehensive examination.

In continuing the Coast Guard policy of developing practical, objective, and job-oriented examinations, participation from industry will be requested and encouraged during the development of the examinations that would be required by this proposal.

An appendix to this notice contains those existing regulations in Part 10, presently applicable to masters, mates, and pilots, that are incorporated by reference in these proposed regulations and would apply to applicants for and holders of uninspected towing vessel operators licenses. It should be noted the physical examination requirements in § 10.02-5(e) are the subject of a notice of proposed rule making that appeared in the March 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 4293) and as Item 7 of the Marine Safety Council Hearing Agenda for the March 27, 1972, Public Hearing. That notice proposes amendments to 46 CFR 10.02-5, 10.13-15, 10.20-7 and 187.10-5 and would change the physical examination requirements for an applicant for an original license by relaxing current visual acuity standards for uncorrected vision. It should be noted that present laws and regulations (46 U.S.C. 224a and 10 CFR Part 10.15) require certain vessels to have persons holding licenses as masters, mates, or engineers, performing the duties of master, mate, or engineer, when navigating the high seas. Vessels of less than 200 gross tons, and a few others, are excepted from these present laws and regulations. Consequently, a towing vessel operator license issued under the regulations proposed in this notice would not meet the requirements of 46 U.S.C. 224a or substitute for the officers license presently issued under Subpart 10.15 for uninspected towing vessels of 200 gross tons or more while navigating the high seas. Parts other than Part 10 of the Coast Guard regulations that apply to uninspected vessels would also be amended to reflect the adoption of these proposed licensing requirements. The specific text of these necessary but minor changes is not set forth in this notice.

Part 10 of Title 46, Code of Federal Regulations would be amended by inserting a new Subpart 10.16 to read as follows:

Subpart 10.16—Licenses for Operation of Uninspected Towing Vessels

Sec.

10.16-1 Purpose.
10.16-3 Definitions.
10.16-11 Application and issue.
10.16-21 Eligibility requirements: General.
10.16-23 Eligibility requirements: Second class operator.
10.16-25 Eligibility requirements: Operator of towing vessels.

Sec.
10.16–31 Knowledge requirements.
10.16–41 Applicability of other regulations.
10.16–51 Renewing limited and second class licenses.
10.16–61 Privileges and limitations.
10.16–71 Exception to requirements for license as operator.

AUTHORITY: The provisions of this Subpart 10.16 issued under R.S. 4427, as amended; 46 U.S.C. 405(b); 46 CFR 1.46(o)(3).

§ 10.16–1 Purpose.

This subpart prescribes the requirements for issuing the licenses for the operation of uninspected towing vessels as required by 46 U.S.C. 405(b) and describes the licenses that authorize the operation of uninspected towing vessels.

§ 10.16–3 Definitions.

As used in this subpart:

(a) "Inland Waters" means waters on which the rules to prevent collisions in 33 U.S.C. 151–232 apply.

(b) "Western Rivers" means waters on which the rules to prevent collisions in 33 U.S.C. 301–356 apply.

(c) "Great Lakes" means waters on which the rules to prevent collisions in 33 U.S.C. 241–295 apply.

(d) "Oceans" means waters on which the international rules to prevent collisions in 33 U.S.C. 1051–1049 apply.

(e) "Original license" means the first license issued to any person under this subpart.

§ 10.16–11 Application and issue.

(a) An application for a license under this subpart is made on Form CG–866.

(b) An applicant who meets the requirements in this subpart is entitled to a license as operator of uninspected vessels endorsed for operation on one or more of the following geographic areas:

(1) Inland waters.
(2) Western rivers.
(3) Great Lakes.
(4) Oceans.
(5) Oceans not more than 200 miles offshore.
(6) A limited local area designated by the OCMI.

(c) Each applicant for an original license under this subpart must include his fingerprints with the application unless he holds a license issued by the Coast Guard.

§ 10.16–21 Eligibility requirements: General.

To be eligible for an original license issued under this subpart, a person must—

(a) Meet the citizenship requirements in § 10.02–5(c) of this part;

(b) Be able to speak the English language;

(c) Be able to read and understand the rules of the road, aids to navigation publications, emergency equipment instructions, and machinery instructions applicable to operations for which his license is endorsed.

(d) Meet the character check and personal reference requirements in § 10.02–5(i), except that the written endorsements required in § 10.02–5(i)(1) may be from a master or operator that employed the applicant and two other reputable persons;

(e) Meet the physical examination requirements in § 10.02–5(e); and

(f) Meet the experience requirements in § 10.02–5(g).

§ 10.16–23 Eligibility requirements: Second-class operator.

To be eligible for a license as Second-Class Operator of Uninspected Towing Vessels, a person must—

(a) Be at least 19 years of age; and

(b) Have at least 18 months service on deck on a towing vessel.

§ 10.16–25 Eligibility requirements: Operator of towing vessels.

To be eligible for a license as Operator of Uninspected Towing Vessels, a person must—

(a) Be at least 21 years of age; and

(b) Have at least—

(1) Three-years service including at least 2 years on deck of any vessel of 26 feet or over in length and 1 year on deck on any towing vessel; or

(2) Three-years service on towing vessels including at least 1 year service on deck; or

(3) For a license that is endorsed for a limited local area designated by an Officer in Charge, Marine Inspection, have at least 18 months service on deck on a towing vessel within the local area to which the license is to be limited.

§ 10.16–31 Knowledge requirements.

(a) An applicant for each license issued under this part must pass a written examination, unless an oral examination is determined to be necessary by the Officer in Charge, Marine Inspection, on the following subjects:

(1) Rules of the Road in the geographical area for which the license is to be endorsed.

(2) Practical use of the magnetic compass.

(3) Operation and use of navigation instruments and accessories.

(4) Emergency signals.

(5) Practical use of charts in navigation, except as provided in paragraph (c) of this section.

(6) Aids to navigation except as provided in paragraph (c) of this section.

(7) Lifesaving and simple first aid.

(8) Firefighting equipment and procedures and fire prevention.

(9) Boatmanship for western rivers and limited area designated by the Officer in Charge, Marine Inspection, and seamanship for all other areas designated in § 10.16–11(b).

(10) Regulations and laws applicable to the operation of a towing vessel, including the regulations in Subchapters C and D of this chapter.

(11) Pollution prevention and control.

(b) An applicant for a license that is endorsed for service more than 200 miles offshore must pass an examination on navigation and must hold a first aid certificate issued by the U.S. Public Health Service.

(c) An applicant for a license that is endorsed for a limited area designated by an Officer in Charge, Marine Inspection, must pass an examination in practical use of charts in navigation and aids to navigation only for the area to which the license is limited.

(d) An applicant for an additional endorsement to a license must pass an examination only on those subjects in paragraph (a) of this section that he has not passed and that are necessary for the additional endorsement.

§ 10.16–41 Applicability of other regulations.

The following regulations apply to each applicant for and holder of a license under this subpart:

(a) The regulations on the issuance of a license in § 10.02–1.

(b) The regulations on the right to appeal decisions of the Officer in Charge, Marine Inspection, in § 10.02–33.

(c) Except as provided otherwise in § 10.16–51, the regulations on the renewal of a license in § 10.02–9 except subparagraphs (e)(3), (4), (5), and (6).

(d) The regulations on the reporting of a lost license and the obtaining of a duplicate in § 10.02–23.

(e) The regulations on the parting with a license in § 10.02–25.

(f) Licenses issued under this subpart are subject to suspension and revocation on the same grounds and under the same procedures as provided for officers' licenses.

(g) The regulations on the lifting of limitations on a license in § 10.02–15.

§ 10.16–51 Renewing limited and second-class licenses.

(a) A license as a second-class operator of uninspected towing vessels is not renewable, but another license may be issued to the holder of an expired license if he meets the requirements for original issuance of a second-class license and passes another examination under § 10.16–31.

(b) A license endorsed for a limited local area designated by the Officer in Charge, Marine Inspection, is not renewed unless the holder meets the service requirements in § 10.16–25(b)(1) or (2).

§ 10.16–61 Privileges and limitations.

(a) Except as required in paragraph (b) of this section, the holder of a license issued under this subpart may operate uninspected towing vessels to which 46 U.S.C. 405(b) applies within the geographical areas and limitations endorsed on the license.

(b) The holder of a license as second-class operator of uninspected towing vessels may not operate a vessel unless a holder of a license as operator of uninspected towing vessels or master, mate (except mate of inland steam or motor vessels), or pilot is on board that vessel.

(c) The holder of a license as master, mate (except mate of inland steam or motor vessels), or pilot issued under this part may operate uninspected towing vessels to which 46 U.S.C. 405(b) applies

within the scope and limitations endorsed on the license.

§ 10.16–71 Exception to requirements for license as operator.

The following requirements do not apply to any person who applies for a license as operator of towing vessels before June 1, 1974, and who has had at least 1 year of service as an operator of any towing vessel within the 36 months preceding the month in which he applies:

(a) The experience requirements in § 10.16–25(b);

(b) The knowledge requirements in § 10.16–31(a), except that he must pass an examination on the rules of the road for the area in which his license authorizes operations, and applicants for ocean routes in excess of 200 miles offshore must comply with the requirements in § 10.16–31(b).

(c) The color vision requirements in § 10.02–5(e), if the license is limited to operations between sunrise and sunset.

(d) The vision requirements in § 10.02–5(e), for an applicant who has sight in only one eye, if his visual acuity is at least 20/100 uncorrected and 20/20 corrected.

(R.S. 4427, as amended; 46 U.S.C. 405(b); 49 CFR 1.46(o)(3))

Dated: August 8, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

§ 10.02–1 Issuance of licenses.

(a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of their qualifications necessary, such as age, experience, character, and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U.S.C. 1481, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within 10 years prior to the date of filing the application; or who, unless he furnished satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subchapter shall be issued an appropriate license valid for a term of five (5) years. In appropriate cases a limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional indorsements.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b)

§ 10.02–3 Original license defined.

The first license issued to any person by the Coast Guard shall be considered an original license, when the U.S. records show no previous issue to such person.

§ 10.02–5 Requirements for original licenses.

(c) *Citizenship.* No license shall be issued to any person who is not a citizen of the United States, either native born or fully naturalized. The Officer in Charge, Marine Inspection must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first seven (7) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Certificate or naturalization.

(3) Baptismal certificate or parish record recorded within 1 year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the U.S. Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A merchant mariner's document issued by the Coast Guard which is validated for emergency service and shows that the holder is a citizen of the United States.

(8) A continuous discharge book, certificate of identification, or nonvalidated merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or nonvalidated merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(9) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(10) For persons deriving citizenship through naturalization of their parents, or for persons born outside the United States who claim to be U.S. citizens by virtue of their parents having been U.S. citizens at the time of such birth, a certificate of citizenship issued by the U.S. Immigration and Naturalization Service is acceptable as documentary evidence of citizenship.

(11) If none of the requirements set forth in subparagraphs (1) through (9) of this paragraph can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D.C. 20233. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; April 1940, April 1950, and April 1960. (Records for 1890 are not available.)

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

(e) *Physical examination.* (1) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the U.S. Public Health Service and present a certificate executed by this Public Health Service officer to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the U.S. Public Health Service, the physical examination and certification may be made by another reputable physician.

(2) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

(3) For an original license as master, mate or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of a pseudoisochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent.

(4) Applicants for original engineers' licenses shall be examined only as to their ability to distinguish the colors red, blue, green, and yellow. No applicant for original license as engineer shall be disqualified for failure to distinguish colors if any of his required experience is served prior to May 1, 1947.

(5) For original license as engineer the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other.

(6) Persons serving or intending to serve in the Merchant Marine Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their vision, and color vision where required, is such as to qualify them for service in that profession.

(7) Where an applicant is not possessed of the vision, hearing, or general physical condition necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician or other examining physician, may make recommendation to the Commandant for an exception to these requirements, if in his opinion, extenuating circumstances warrant special consideration. Any requests for a decision by the Commandant must be accompanied

by all pertinent correspondence, records, and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels, as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration in arriving at a decision.

(g) *Experience or training.* (1) All applicants for original licenses shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying the amount and character of their experience and the names of the vessels on which acquired. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of experience or training presented and may reject any evidence that he has reason to believe is not authentic or which does not sufficiently outline the amount, type, and character of service. Coast Guard issued "certificates of seaman's service" and "certificates of discharge" shall be returned to the applicant. The Officer in Charge, Marine Inspection, shall make entry on the application that service represented by these documents has been verified. All other documentary evidence of service or authentic copies thereof shall be filed with the application. No license shall be considered as satisfactory evidence of any qualifying experience required by this paragraph.

(2) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the Armed Forces of the United States shall not be counted in computing the 3 years.

(3) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(4) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original license, subject to evaluation by the Commandant to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters, and operating conditions. An applicant who has obtained his qualifying experience on foreign vessels is required to submit satisfactory documentary evidence of such service in the forms prescribed by subparagraph (1) of this paragraph, which certify the amount, character, and scope of his service in these respects.

(5) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(6) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(i) *Character check and references.* (1) The Officer in Charge, Marine Inspection, shall require each applicant for an original license to have the written endorsement of the master and that of two other licensed officers of a vessel on which he has served. For a license as engineer or as pilot at least one of the other endorsers shall be the chief engineer or licensed pilot, respectively, of a vessel on which the applicant has served. Where no sea service is required for a license, the applicant may have the endorsement of three reputable persons to whom he is known.

(2) Fingerprint records on FBI Form "Applicant" shall be submitted to the Commandant on each applicant at the same time application for license is made. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(3) The fact that an applicant for an original license is on probation as a result of action under R.S. 4450, as amended (46 U.S.C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R.S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subchapter, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to R.S. 4450, as amended, is effective against his license or certificate.

(Sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended; 46 U.S.C. 672a, 1132) [CGFR 65-50, 30 F.R. 16617, Dec. 30, 1965, as amended at CGFR 69-116, 35 F.R. 6860, Apr. 30, 1970; CGFR 70-143, 35 F.R. 19904, Dec. 30, 1970]

NOTE: The amendment at 35 F.R. 19904 is effective 30 days following date of publication.

§ 10.02-9 Requirements for renewal of license.

(a) *Duty of applicants.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of a license, require the applicant to make written application on Coast Guard Form CG-866, License and Renewal Application.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except as provided in paragraph (g) of this section.

(c) *Fitness.* No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when applicant's license has expired beyond the 12-month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12-month period of grace.

(2) No license shall be renewed more than 90 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Masters', mates', or pilots' licenses.* (1) Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has served under the authority of his license within the 3 years next preceding the date of application for renewal, or who has been employed in a position closely related to the operation of vessels during the same 3-year period, require that such licensed officer present an affidavit that he has read within the 3 months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstrate his knowledge of the application of the Rules of the Road.

(2) Every Officer in Charge, Marine Inspection, before renewing an existing license to a master, mate, or pilot who has not served under the authority of his license within the 3 years next preceding the date of application for renewal, or has not been employed in a position closely related to the operation of vessels during the same 3-year period, shall satisfy himself that such licensed officer is thoroughly familiar with the Rules of the Road applicable to the waters for which he is licensed. A written examination may be required for this purpose, or the applicant may be given an oral examination, a summary of which shall be placed in the officer's license file. In the event a candidate fails the examination, the Officer in Charge, Marine Inspection, may reexamine him immediately or impose a reasonable period of delay to allow the applicant sufficient time to review the Rules of the Road.

(3) Every Officer in Charge, Marine Inspection, before renewing an existing license, which has a "radar observer" endorsement, of a master, mate, or pilot who has served under the authority of his license on radar equipped vessels within the 3 years preceding the date of application for renewal, or who has been employed in a position closely related to the operation of vessels during the same 3-year period, shall require, commencing July 1, 1972, that such licensed officer demonstrate his continued knowledge of radar plotting or interpretation.

(4) Every Officer in Charge, Marine Inspection, before renewing an existing license, which has a "radar observer" enforsement, of a master, mate, or pilot who has not served under the authority of his license within the 3 years preceding the date of application for renewal, or who has not been employed in a position closely related to the operation of vessels during the same 3-year period, shall determine, commencing July 1, 1972, that such licensed officer is thoroughly familiar with the elements of radar and radar plotting or interpretation. A written examination shall be required for this purpose. In the event a candidate fails the examination he may be reexamined at a subsequent time to be determined by the Officer in Charge, Marine Inspection.

(5) A certificate of successful completion of a radar simulator course of instruction of the Maritime Administration or any other course approved by the Commandant, issued within 1 year immediately preceding the date of application for renewal, is acceptable evidence of the applicant's continuing qualification as "radar observer" without the exercise or examination specified in subparagraphs (3) and (4) of this paragraph.

(6) An applicant who has not obtained a radar observer's endorsement may renew an existing license without the necessity of demonstrating the knowledge of radar as required by subparagraphs (3) and (4) of this paragraph.

(f) *Physical requirements.* (1) No license as master, mate, or pilot shall be renewed except upon satisfactory evidence that the color sense of the applicant is normal. Applicants for renewal of license as engineer shall

not be subject to examination as to ability to distinguish colors. The satisfactory evidence may be in the form of a certificate of a medical officer of the U.S. Public Health Service, or, in those ports where testing equipment is available, upon examination by the Officer in Charge, Marine Inspection, or his designated representative. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the U.S. Public Health Service, and facilities are not available to the Officer in Charge, Marine Inspection, the color sense examination and certification may be made by a reputable physician.

(2) The color sense will be tested by means of a pseudoisochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent. A person failing the pseudoisochromatic plate test shall, if the facility at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such Public Health Service facility as is equipped with same.

(3) In the event an applicant for renewal of license as master, mate, or pilot is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(5) Nothing contained in this section shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(6) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(g) *Renewal by mail.* Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, or is engaged in a service that necessitates his continuous absence from the United States, his existing license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG–866, License and Renewal Application;

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths;

(3) The license to be renewed; and,

(4) In the case of the renewal of a master's, mate's, or pilot's license:

(i) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal; and,

(ii) Documentary evidence of service under authority of license within the 3 years next preceding the date of application or evidence of employment in a position closely related to the operation of vessels within the same 3-year period, together with an affidavit that the applicant has read within the 3 months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstration of his knowledge of the application of the Rules of the Road. In every case of renewal by mail, the applicant must certify to the effect that the answers to the questions contained in the Rules of the Road Exercise, furnished by the Officer in Charge, Marine Inspection, are his own.

(h) *Reissue of expired license.* (1) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except no professional examination will be required provided the license expired during the time of the holder's service with the Armed Forces or the merchant marine, and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection may require a written examination for this purpose.

(2) The renewed license shall receive the next higher number of issue of present grade and for the number of issue of all grades.

(R.S. 4447, as amended, 46 U.S.C. 233, sec. 5, 49 Stat. 1935, sec. 302, 49 Stat. 1992; 46 U.S.C. 672a, 1132) [CGFR 65–60, 30 F.R. 16617, Dec. 30, 1965, as amended by CGFR 66–33, 31 F.R. 15266, Dec. 6, 1966; CGFR 66–129, 33 F.R. 17791, Nov. 28, 1968; CGFR 69–116, 6860, Apr. 30, 1970; CGFR 70–143, 35 F.R. 19904, Dec. 30, 1970]

NOTE: The amendment at 35 F.R. 19904 is effective 30 days following date of publication.

§ 10.02–15 Lifting of limitations.

(a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up any deficiency in the experience required.

(c) No limitation on any license may be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and passed the necessary examination.

§ 10.02–23 Issuance of duplicate license.

(a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten indorsement, "This license replaces License No. ____ issued at _____ on the above date," as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.02–25 Parting with license.

If the holder of any license granted to a master, mate, engineer, or pilot, voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R.S. 4450, as amended, looking to a suspension or revocation of his license.

§ 10.02–29 Suspension and revocation of licenses.

(a) When the license of any master, mate, engineer, or pilot is revoked, such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(c) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

(R.S. 4450, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 239, 239b)

§ 10.02–33 Right of Appeal.

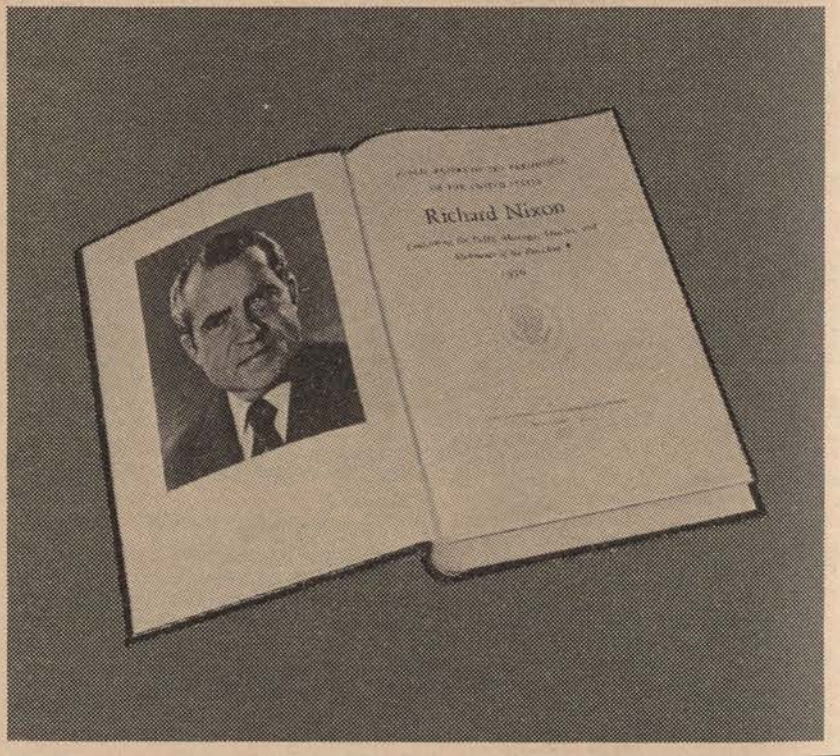
Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

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